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Appendix A: *Assigning Responsibilities to Facilitate the RIF*

Importance of Assigning Duties and Responsibilities. In the first stages of planning for a RIF, management at the highest levels of the agency (or the agency's activity, as appropriate) should designate in writing the specific duties and responsibilities of all parties involved in the RIF. The agency should also provide for a mechanism to coordinate the respective teams (e.g., regular meetings among the teams to resolve key challenges). Finally, the agency should provide for clear management direction to minimize time lost resolving questions of responsibility among the teams.

Agency Management. The agency's (or activity's, if applicable) senior-level managers are generally responsible for actions such as:

- Identifying positions for abolishment;
- Identifying which positions are carried on the personnel roster (i.e., the manning documents) after the agency conducts the RIF;
- Communicating the agency's Strategic Plan to all levels of management, RIF teams, and all other employees, as well as any collective bargaining agents;
- Authorizing the resources needed to conduct the RIF;
- Approving major discretionary decisions related to the RIF and the agency's outplacement program (e.g., waiving qualifications for placement in certain vacancies, amount of official time available for employees to use outplacement services);
- Authorizing the agency's RIF-related teams;
- Authorizing freeze dates when needed (e.g., for personnel actions, employees' qualifications updates, and placing performance evaluations on record); and
- Developing policy for responses to interested parties from outside the agency (e.g., members of Congress, State and local elected officials, the media, public interest groups, and employee groups).

Immediate Supervisors. The agency's first- and second-level supervisors are generally responsible for decisions and actions such as:

- Distributing RIF notices and other material to employees;
- Working to effectively implement the agency's Strategic Plan;
- Helping employees maximize use of the agency's career transition services; and

- Referring employees to the appropriate RIF-related team for assistance on specific issues, as needed.

HUMAN RESOURCES OFFICE (HRO). The agency's HRO is generally responsible for decisions and actions such as:

- Providing management's pre- and post-RIF personnel rosters to the RIF team;
- Coordinating RIF-related information between involved parties (e.g., higher-level managers, supervisors, the RIF teams, employees, and any unions);
- Processing corrections to personnel records;
- Helping the RIF team prepare notices (e.g., specific RIF notice, Certifications of Expected Separation, position abolishment notices for purposes of discontinued service retirement eligibility);
- Helping the RIF team prepare career transition and other outplacement information;
- Helping the RIF team prepare severance pay and retirement estimates; and
- Helping the RIF team prepare and provide guidance on benefits issues (e.g., retirement, health benefits, life insurance, Thrift Savings Plan).

Core RIF Team. The agency's core RIF team generally is responsible for actions such as:

- Reviewing retention-related personnel records for accuracy, and requesting that the HRO make corrections when necessary;
- Keeping agency management informed on issues related to the RIF;
- Offering agency management advice on discretionary RIF options (e.g., size of the competitive area, offering vacant positions in RIF, offering bump and retreat rights to excepted employees);
- Using the personnel rosters established by agency management to determine employees' relative retention standing under OPM's RIF regulations at 5 CFR part 351;
- Preparing RIF and related notices;
- Training supervisors on delivery of the RIF notices to employees;
- Briefing employees on RIF procedures and issues;

- Advising employees on RIF procedures, employee benefits, and severance pay;
- Working with the outplacement team to advise employees on career transition and reemployment selection priority;
- Assisting the agency in responding to any subsequent RIF appeals or grievances; and
- Preparing an after-action report to document the RIF process for the agency.

Outplacement Team. The agency's outplacement team is generally responsible for actions such as:

- Developing the agency's plan to provide displaced employees with maximum career transition assistance;
- Training outplacement counselors who will meet with displaced employees;
- Keeping agency management informed of pertinent outplacement-related issues;
- Providing employees with job search information;
- Briefing employees on career transition subjects and options;
- Helping employees make career decisions through:
 - Skills assessment;
 - Interests assessment;
 - Résumé assistance;
 - Job search strategies;
 - Interviewing techniques;
 - Salary negotiations;
 - Follow-up;
 - Writing a personal action plan;
 - Job search assistance (e.g., provide timely referrals to potential employers and job leads to displaced employees);

- Job clubs for displaced employees, if appropriate;
- Community services and resources for displaced workers.
- Maintaining and releasing the optional résumé referrals that displaced employees may provide to their agency for sharing with potential employers;
- Coordinating State-based training and retraining services available to displaced employees through an individual State's Workforce Investment Act (WIA) programs;
- Working with the HRO to conduct exit interviews for employees who voluntarily or involuntarily separate from the agency as a result of the RIF; and
- Evaluating the agency's outplacement program after the agency completes the RIF.

For maximum career transition effectiveness, the agency should have an outplacement team available as soon as the agency finds that some employees will likely be separated by RIF. At the same time, the agency's management should develop a policy on issues related to the work of the outplacement team. The HRO would then communicate these policies to employees, including a displaced employee's use of official time for career transition and job search opportunities, and office equipment (e.g., fax machines, copy machines, computers, e-mail, scanners, telephones, modems) for personal career transition-related purposes.

Displaced Employees. The agency should explain that displaced employees generally are responsible for actions such as:

- Participating in the agency's career transition assistance programs;
- Following agency procedures in requesting time to visit the agency's career transition center or make use of similar outplacement initiatives;
- Providing a résumé to the agency that the agency's outplacement team may share with potential employers; and
- Requesting counseling on RIF issues, and/or benefits questions.

Appendix B: Management's Decision to Implement RIF Checklist

Request RIF Approval

When the agency determines a RIF is likely, the agency should review its delegations of authority to determine which individual or organization in the agency's chain of command has authority to approve the RIF actions. The approval process may vary depending on the number of employees who may be separated by RIF (i.e., a large number of separations may require a higher level of approval). A long approval process could change management's planned effective date for the RIF.

Identify Abolished Positions

Agency management must abolish positions based on the mission and/or budget. No position may be abolished based on the individual occupying the position. Once the decision is made regarding which positions will be abolished, by job title, grade, series, component and location, the documentation must be provided to the RIF team and the HRO so the RIF can be run properly.

Identify Positions in the Post-RIF Organization

Agency management must identify which positions will remain in support of the mission requirements based on the budget. Once the decision is made regarding which positions will remain post-RIF to carry out the mission based on the budget, by job title, series, grade, component, and location, the documentation must be provided to the RIF team and the HRO so that the RIF can be run properly.

Documentation

Documentation can be a personnel roster, workforce planning document, personnel staffing plan, manning document or similar documents. At a minimum, the documentation should identify positions by title, series, grade, position number, organization, and name of incumbent. Some organizations also include additional information such as tour of duty, (e.g., full-time, part-time, seasonal, or intermittent), type of service (e.g., competitive or excepted), and other pertinent information.

Establish RIF Effective Date

Agency management must establish the effective date for the RIF. This will greatly assist the HRO and its RIF team in determining the timeline involved, including notification to employees, union officials, press (if necessary, such as during a Base Realignment and Closure Act (BRAC) closure).

Freeze Discretionary Personnel Actions

Agency management may, at their option, establish an effective date to freeze some or all discretionary personnel actions before, during, and/or after the RIF effective date.

Although OPM's controlling statutory authority or regulations do not require a freeze of discretionary personnel actions in a RIF situation, some collective bargaining agreements do require such a freeze at varying times in the RIF process.

Notify Collective Bargaining Representatives

When required by an applicable collective bargaining agreement, agency management must notify the union(s) with a right to bargain on the impact and implementation of the possible RIF, if not already covered by the collective bargaining agreement.

Establish RIF Team(s)

Agency management must establish the RIF team. When the agency has reached the stage of setting an effective date for RIF actions, agency management, in coordination with the HRO, should establish RIF core and support teams (e.g., an outplacement team, a records cleanup team, and other teams to perform tasks related to the RIF process such as employee benefits teams).

Define the Competitive Area and the Local Commuting Area

Agency management should consult with the HRO before defining (or revising, if applicable) the agency's competitive area for the RIF. The competitive area defines the geographic and organizational boundaries for RIF competition. Once defined, the competitive area includes all employees in the geographic and organizational definition. For example, within the same geographic boundaries and organizational structure, an agency may not define separate competitive areas for supervisors and nonsupervisors.

Develop Communication Plan

Agency management should consult with the HRO, Public Affairs, Congressional Relations and Communications to ensure an effective communication strategy is devised. The agency's goal should be to develop a coordinated communication plan that will provide timely, accurate, and complete information to all parties on issues relating to organizational change and the RIF. Effective, open communication with immediate supervisors, nonsupervisors, and other affected parties (including the union(s)) can minimize losses to organizational productivity.

Establish Policy on Discretionary RIF Procedures

Agency management should consult with the HRO in reviewing and possibly modifying the agency's policy as permitted by the RIF regulations on the options identified below. The HRO staff will assist agency management in determining whether the agency's present policy implements any of the options. The HRO staff will also assist

management in determining whether the agency's headquarters policy allows subdivision or activity components any flexibility to implement these options. If agency management is considering a policy change to adopt or to eliminate any of the procedural options, the HRO can explain possible results of the new definition.

Use of Vacancies

Agency management may offer vacancies in a RIF situation. An agency is not required to fill vacant positions in a RIF. At its option, the agency may decide to fill all, some, or none of its vacant positions either as RIF offers to displaced employees, or as offers in lieu of a RIF action.

Waiving or Modifying Qualifications When Filling Vacancies

Agency management may, at its option, waive most qualification requirements when making a RIF offer of a vacancy to a released employee. The agency may waive qualification requirements if the agency finds that the employee has the capacity, adaptability, and special skills needed to perform the duties and responsibilities of the offered position. However, even with this option the agency may not waive positive education requirements for the position.

Establish Procedures to Break Ties in Retention Standing

Agency management should consider procedures to break ties in employees' retention standing. Employees rarely have ties in retention standing. A tie results when two or more competing employees have the same standing under OPM's RIF regulations (including identical service computation dates). However, the agency should still adopt one or more procedures to break a tie. An automated RIF system often includes a random default tie-breaking procedure, such as the highest or lowest sum of the respective employees' Social Security or employee identification numbers.

Assignment Rights for Excepted Service Employees

Agency management may provide released excepted service employees with mandatory RIF assignment rights to other positions. At its discretion, an agency may implement a policy to provide bump and retreat rights to released employees on excepted service appointments. The potential bump and retreat rights are only to excepted positions under the same appointing authority (e.g., a released Schedule A attorney could bump only another Schedule A attorney on a different competitive level).

The agency may not provide excepted employees with bump and retreat rights to competitive service positions. The agency may also not provide excepted service employees with only partial assignment rights (e.g., the agency may not provide bump rights without providing retreat rights).

Assignment Rights for Tenure Group III Employees

Agency management may provide released tenure group III employees with RIF bump rights to positions in other competitive levels held by group III employees:

- In the competitive service, RIF tenure group III includes each employee who serves in a term or other nonstatus appointment. (Competitive service RIF retention tenure group III does not include an employee who holds a temporary appointment.)
- In the excepted service, RIF tenure group III includes each employee who holds a temporary appointment of one year or more, or who has worked more than 1 year in a temporary appointment.



Same Subgroup Displacement in Bumping Rights

Agency management may provide employees released from a competitive level with same subgroup bumping rights to positions in different competitive levels.



Terminate Reemployed Annuitants Before the RIF

Agency management may terminate any reemployed annuitants who would otherwise compete for retention in the RIF. A reemployed annuitant serves at the will of the appointing officer. The agency may separate the reemployed annuitant at any time regardless of the type of appointment held by the individual.



Terminate Temporary Employees Before the RIF

Agency management may terminate any temporary employees before or at the same time as the RIF. The RIF regulations require the agency to release all temporary employees before releasing a competitive employee from the same competitive level. However, the regulations do not require that the agency must automatically terminate all temporary employees across competitive levels.



Using Discretionary Temporary Exceptions to the Usual Order of Release From the Competitive Level

Agency management may temporarily retain a released employee past the effective date of the RIF. The RIF regulations at 5 CFR part 351 allow an agency discretion, under limited conditions, to retain a released employee past the RIF date under a permissive continuing exception to the regular order of release, or a permissive temporary exception to the regular order of release.



Freeze Date to Update Performance Ratings of Record Available for RIF Competition

The RIF regulations by default provide that an agency freezes performance ratings of record effective on the day before the agency issues specific RIF notices. At its option, the agency may choose an earlier cutoff date based upon a specified number of days before the agency will issue RIF notices. For example, many agencies freeze ratings of record 30 to 60 days before issuing RIF notices.



Define Modal Performance Rating for RIF Competition

Agency management may define the modal rating for employees who do not have any available performance ratings of record for purposes of determining retention standing. An employee who has not received any performance ratings of record within the 4-year window period receives retention service credit for performance based upon the modal rating for the summary level pattern that applies to the employee's official position of record at the time of the RIF.

Define Performance Credit for Multiple Rating Patterns

Agency management may define the amount of retention service credit when the competitive area includes employees with available performance ratings of record under more than one pattern of summary levels. If an agency has employees in a competitive area with ratings of record under more than one pattern of summary levels, the agency must consider the mix of patterns and provide additional retention service credit for performance. An agency has a "mixed pattern" only if the mixed ratings are among the three most recent ratings of record that the agency actually uses to determine employees' retention standing.

Request Employees to Provide Qualifications Updates

Agency management may formally ask employees to submit a qualifications update by a specific cutoff date to assist the agency in determining employees' RIF rights.



Establish Policy to Reduce the Impact of the RIF

Agency management should consult with the HRO in reviewing and possibly modifying the agency's policy on the transition options below that are authorized under OPM's regulations. If changes are made, it is important to discuss them with labor relations officials to determine whether collective bargaining is required.



Designate Employees as Surplus for Early Registration in the Career Transition Assistance Plan

Agency management may consider whether to provide surplus employees with early intra-agency selection priority through the agency's Career Transition Assistance Plan (CTAP). At its option, an agency may provide the same CTAP intra-agency selection priority by giving an employee in an excess position a notice that designates the

employee eligible for CTAP as a surplus employee before the employee receives a specific notice of separation.

Issue Surplus Employees a Certification of Expected Separation (CES)

At its option, an agency may issue a CES to an employee who is likely to be reached for RIF separation within 6 months. The CES provides a potentially displaced employee with intra-agency selection priority within the employee's present local commuting area through the Reemployment Priority List (RPL) and the CTAP. An agency may not issue a CES to an employee who may be separated by adverse action procedures for declining relocation to a different local commuting area.

Provide Additional Consideration to Displaced Employees on the Reemployment Priority List

At its option, the agency may provide additional intra-agency selection priority by considering RPL registrants before considering internal candidates who are not surplus. For example, through its own internal placement program an agency may offer selection priority to a displaced employee who is eligible for the RPL in a different local commuting area (or areas) provided that:

- The agency has first met its obligation under CTAP to place surplus and displaced employees in the different competitive area; and
- The agency has first met its obligation to provide RPL rights to employees eligible for the RPL in the different competitive area.

Voluntary Early Retirement Authority

Agency management may consider offering employees the Voluntary Early Retirement Authority (VERA) option to increase voluntary attrition.

Voluntary Separation Incentive Payments

Agency management may consider offering employees Voluntary Separation Incentive Payments (VSIP) to increase voluntary attrition and/or to provide placement opportunities for surplus or displaced employees.

Establish Agency Policy on Official Administrative Time for Released Employees

Agency management may establish the agency's policy on the amount of official administrative time allowed for employees who may be or will be reached for RIF actions. Besides the minimum excused absences under the agency's CTAP, agency management should consider whether to implement a formal policy covering excused absences to attend orientation sessions and counseling on related subjects (e.g., RIF mechanics, retirement, health benefits, life insurance).

Appendix C: RIF Items Checklist

| RIF Items Checklist | Check if Applicable |
|--|--------------------------------|
| Management's Decisions to Implement a RIF (see Appendix B)- | |
| Request RIF Approval | |
| Identify Abolished Positions | |
| Identify Positions in the Post-RIF Organization | |
| Documentation | |
| Establish RIF Effective Date | |
| Freeze Discretionary Personnel Actions | |
| Notify Collective Bargaining Representatives | |
| Establish RIF Team(s) | |
| Management-Human Resource Office Coordination on Discretionary RIF Decisions— | |
| Define the Competitive Area and the Local Commuting Area | |
| Develop Communication Plan | |
| Establish Policy on Discretionary RIF Procedures: | |
| --Use of Vacancies | |
| --Waiving or Modifying Qualifications When Filling Vacancies | |
| --Establish Procedures to Break Ties in Retention Standing | |
| --Assignment Rights for Excepted Service Employees | |
| --Assignment Rights for Tenure Group III Employees | |
| --Same Subgroup Displacement in Bumping Rights | |
| --Terminate Reemployed Annuitants Before the RIF | |
| --Terminate Temporary Employees Before the RIF | |
| --Using Discretionary Temporary Exceptions to the Usual Order of Release From the Competitive Level | |
| --Freeze Date to Update Performance Ratings of Record Available for RIF Competition | |
| Management-Human Resource Office Coordination on Discretionary RIF Decisions (continued)— | |
| --Define Performance Credit for Multiple Rating Patterns | |
| --Request Employees to Provide Qualifications Updates | |
| Establish Policy to Reduce the Impact of the RIF: | |
| --Designate Employees as Surplus for Early Registration in the Career Transition Assistance Plan | |
| --Issue Surplus Employees a Certification of Expected Separation (CES) | |
| --Provide Additional Consideration to Displaced Employees on the Reemployment Priority List (RPL) | |
| --Voluntary Early Retirement Authority (VERA) | |
| --Voluntary Separation Incentive Payment (VSIP) | |
| --Establish Agency Policy on Official Administrative Time for Released | |

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| Employees | |
| Preliminary Actions by the RIF Team— | |
| Identify All Positions in RIF Competitive Area | |
| Document Noncompeting Employees on Nonpermanent Assignments | |
| Document Other Noncompeting Employees | |
| Document Each Employee in a Nonpay Status | |
| Document Each Employee Away on Active Duty in the Armed Forces With a Restoration | |
| Document Each Employee Who Has Returned From the Armed Forces With a Current Restoration Right | |
| Document Each Employee on Compensable Injury | |
| Review Position Descriptions | |
| Review Competitive Levels For Accuracy | |
| Determine Employees' Veterans' Preference Rights for Retention | |
| Preliminary Actions by the RIF Team (continued)— | |
| Determine Employees' Basic RIF Service Computation Dates | |
| Verify Employees' Performance Ratings of Record That Are Used for Retention | |
| Determine Employees' Adjusted RIF Service Computation Dates | |
| Preparing and Using Retention Registers (see Appendix J)— | |
| Prepare Retention Registers | |
| Separate Noncompeting Employees Before Releasing Competing Employees From the Competitive Level | |
| Identify Employees Released From Competitive Level in First-Round Competition | |
| Determining Rights to Other Positions (see Appendix J)— | |
| Determine Employees' Representative Rates | |
| Determine the Normal Line of Progression for Each Position | |
| Identify Vacancies Available for Assignment and Other Placement Offers | |
| Determine Released Employees' Assignment Rights | |
| Run Mock RIF and Review Results for Accuracy | |
| Issuing RIF Notices (see Appendix L)— | |
| Determine Each Released Employee's Eligibility for Benefits | |
| Prepare Specific Written RIF Notices and Mandatory Attachments | |
| Issuing RIF Notices (continued)— | |
| Send Notices to Other Organizations if 50 or More Employees Receive Separation Notices | |
| Notify Bargaining Unit Representative(s) | |
| Determine How Agency Will Deliver RIF Notices | |
| Prepare Packages for Separating Employees | |
| Deliver RIF Notices | |
| Rerun RIF to Reflect Changes to the Personnel Roster in the Competitive Area | |
| Counseling Employees on Procedures and Options (see Appendix M)— | |
| Planning for Effective Counseling | |

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| Effective Outplacement Counseling | |
| Post-RIF Actions (see Appendix P)— | |
| Review the Agency’s Planning and Implementation of the RIF | |
| Respond to RIF Appeals, Grievances, and Other Third-Party Actions | |
| Continue Outplacement and Rehiring Initiatives for Displaced Employees | |
| --Define Modal Performance Rating for RIF Competition | |

Appendix D: RIF Team Preliminary Actions Checklist

Identify All Positions in RIF Competitive Area

The RIF team should conduct an inventory of positions in the competitive area to determine which positions are occupied, which are vacant, and also whether the actual inventory of positions is consistent with management's planned personnel roster of staff that will carry out work after the RIF effective date. Concurrently, the RIF team, in a coordinated effort with the HRO, should verify the location of each employee's Official Personnel Folder.

The RIF team first reviews the personnel roster (also sometimes called "manning documents," or "workforce staffing rosters") for each competitive area to verify that every position listed as "encumbered" will actually be occupied on the RIF effective date by a permanent employee. If the position will not be encumbered on the effective date of the RIF, the team flags the position as a vacancy that the agency may possibly fill after the RIF on the personnel roster of the restructured organization. Finally, the team flags other vacancies listed on the personnel roster of each competitive area, again for possible filling as part of the RIF. See Appendix B for information on management's right to decide which positions are abolished in a RIF, and which positions are filled after the RIF in the restructured organization.

In identifying occupied and vacant positions in each competitive area, the RIF team should, as appropriate, coordinate with the HRO to reconcile any discrepancies between actual employees and positions carried on the personnel roster. For example, the agency's "on-board count" may omit employees in a nonpay status. For another example, the agency's full-time-equivalency (FTE) count might not accurately reflect employees in part-time or intermittent positions.

When the agency has multiple worksites, the RIF team should also identify each employee's duty station within a competitive area. When a local commuting area includes agency employees in different organizations with multiple competitive areas, the team should match each employee with the proper competitive area. For example, the agency may have headquarters personnel assigned to a field office site in a different local commuting area. Depending on the agency's definition of "competitive area," the headquarters employee could be included in one of several possible competitive areas in the local commuting area of the headquarters or the field activity.

Document Noncompeting Employees on Nonpermanent Assignments

When accounting for positions in each competitive area, the RIF team should document each employee whose position of record is in the competitive area, but who is currently performing a different position through a nonpermanent personnel action. An employee's rights and benefits are always based upon the employee's official position of record, not a position performed by the employee on a nonpermanent basis such as a:

- Detail;
- Temporary promotion;
- Term promotion; or
- Any other nonpermanent basis.

The RIF regulations require that, before releasing an employee from a competitive level by RIF, the competitive level (which is also called a “retention register”) must not include an employee serving on a detail or a nonpermanent promotion.

Document Other Noncompeting Employees

When accounting for positions in each competitive area, the RIF team should also document each employee in the competitive area who is a noncompeting employee under OPM’s RIF regulations because of other exclusions from the retention regulations.

The RIF regulations require that, before releasing an employee from a competitive level (retention register) by RIF, the competitive level also must not include other noncompeting employees, such as an employee who:

- Holds a competitive service temporary appointment to a position in that competitive level;
- Received a written decision of removal or demotion from a position in that competitive level because of Unacceptable (or equivalent) performance; or
- Received a written decision of removal or demotion because of adverse action. Such an employee competes for retention from the position to which the employee will be, or has been, demoted.

Document Each Employee in a Nonpay Status

When accounting for positions in each competitive area, the RIF team should document each employee covered by OPM’s retention regulations in the competitive area covered who is in a leave without pay (LWOP) status. An employee covered by the RIF regulations competes in the RIF even if the agency carries the employee in a LWOP status.

Document Each Employee Away on Active Duty in the Armed Forces With a Restoration Right

When accounting for positions in each competitive area, the RIF team should document each employee covered by OPM’s retention regulations in the competitive area covered who, on the RIF effective date, is on active military duty with a restoration right.

The retention register does not include the name of a competing employee performing duty in the uniformed services with a restoration right.

The employee does not compete for retention under the RIF regulations. Instead, the employee has a restoration right under part 353 of title 5, Code of Federal Regulations, based on the military service.

Document Each Employee Who Has Returned From the Armed Forces With a Current Restoration Right

When accounting for positions in each competitive area, the RIF team should document each employee covered by OPM's retention regulations in the competitive area covered who, on the RIF effective date, has a 6-month or 1-year restoration right based upon active service in the Armed Forces.

An employee who returns to the agency after active duty in the Armed Forces generally has additional retention rights for 6 months or 1 year after the restoration. OPM's retention regulations provide this additional protection through a "Mandatory Exception to the Regular Order of Release" from the competitive level.

An employee with a uniformed services restoration right still competes for retention under OPM's regulations, but competes in the competitive level from the top of the employee's respective retention tenure group and subgroup.

If the agency releases the employee from the competitive level, before separating the employee by RIF, the agency must determine whether the employee has additional restoration rights under part 353 of title 5, Code of Federal Regulations.

Document Each Employee on Compensable Injury

When accounting for positions in each competitive area, the RIF team should document each employee covered by the RIF regulations in the competitive area covered who, on the RIF effective date, is receiving benefits from the Department of Labor's Office of Workers Compensation Programs (OWCP) based on a job-related, compensable injury covered by the regulations at part 353 of title 5, Code of Federal Regulations.

An employee carried on an agency's rolls because of a compensable injury has no special RIF protections and is generally subject to release on the same basis as other employees. If the employee has requested a return to duty by the effective date of the RIF action, the agency refers to part 353 of title 5, Code of Federal Regulations, and determines whether the employee:

1. Has recovered from the compensable injury; and
2. Is entitled to restoration.

In determining the bump or retreat rights of an employee receiving injury compensation payments, the agency may not deny RIF assignment rights to an employee who is reached for release from a competitive level during a leave of absence that resulted from a compensable injury solely because the employee is physically disqualified as a result of the compensable injury.

If the agency separates the employee by RIF while the employee is receiving benefits for a job-related, compensable injury, the employee loses all restoration rights under part 353 of title 5, Code of Federal Regulations, based upon the compensable injury.

Review Position Descriptions

When accounting for positions in each competitive area, the RIF team should review the position description of each employee covered by OPM's retention regulations in the competitive area.

The team should first verify that each employee competing in the RIF has a position description available for the employee's official position of record. If the RIF team finds that no position description is available, the team should advise the HRO that a position description is required in order to determine the retention standing of a released employee, as well as the potential bump or retreat rights of a higher-standing employee to that position.

If time and resources allow, the team may coordinate with the HRO to update employees' position descriptions prior to the RIF. With this option, the HRO would possibly work with the RIF team to document that each position description accurately describes each position's qualifications, duties, and responsibilities. However, any change in the duties and responsibilities of a position by itself is a reorganization even when the grade of the position does not change.

The agency generally will not update position descriptions prior to the RIF if all positions will be abolished in a reorganization. The agency also generally will not consider updating position descriptions when faced with a short lead time prior to the RIF. Instead, the agency's finding that it plans to perform its work differently from the position descriptions simply supports the fact that the agency is undertaking a bona fide reorganization.

If the agency, prior to a RIF, updates position descriptions in a way that changes employees' entitlements under the retention regulations, the agency's employees may also perceive even a good-faith updating effort as a management plan to target individuals for separation, even if the outcome of the RIF would be the same whether or not the agency updated the position descriptions.

Rather than rewriting the position descriptions of positions that will be abolished in a reshaping situation, most agencies focus on writing accurate position descriptions for the personnel roster of the organization after the agency completes the RIF.

Review Competitive Levels For Accuracy

The RIF team has primary responsibility to determine accurate competitive levels based on the official position description of each employee competing for retention.

When establishing competitive levels, the RIF team will coordinate when necessary with the HRO for additional expertise on purely classification issues. Also when necessary, the team will coordinate input from a line program office to clarify the content of the position description.

Neither agency management nor the RIF team has any administrative discretion in establishing competitive levels (e.g., narrow competitive levels versus broad competitive levels). Instead, the team establishes competitive levels solely upon the record; the team compares each position description as written with the standard for competitive levels in the RIF regulations.

Even when an agency uses an automated system to determine employees' retention standing, if an employee appeals, the agency may meet its burden of proof via the paper documents that served as the basis for the agency's decision, including the establishment of competitive levels.

Determine Employees' Veterans' Preference Rights for Retention

The RIF team has primary responsibility to accurately determine the veterans' preference rights of each employee competing for retention. OPM's website at www.opm.gov includes *VetGuide*, which provides comprehensive guidance on veterans' preference entitlements in the Federal service.

The RIF team should review the records of each employee who may be eligible for retention preference. This includes employees who may be eligible for derived preference (e.g., eligible spouses of certain disabled or deceased veterans). When necessary, the team should ask employees to submit current certification of eligibility for veterans' benefits.

The RIF team also should determine whether the employee is receiving disability benefits from VA. For reference, OPM's Standard Form 15 (Application for 10-Point Veteran Preference) provides that any VA letter issued after 1990 documenting a service-connected disability is proof of a permanent disability unless the letter specifically states that the disability is not permanent. The same post-1990 date also applies to disability notices from the Armed Forces. A copy of the revised SF-15 is available from the OPM website at http://www.opm.gov/forms/pdf_fill/SF15.pdf. If VA issued a letter to an employee prior to January 1, 1991, that employee must obtain an update from VA in order to have a post-1990 letter.

The RIF team also should carefully review the records of retired members of the Armed Forces to determine whether the Dual Compensation Act of 1964 bars preference in RIF competition for an individual employee.

Finally, the RIF team should review the records of all reservists who will reach age 60 on or before the effective date of the RIF. For example, an otherwise eligible reservist may lose eligibility for veterans' preference at age 60 when the individual begins to receive retired pay based upon the rank of major or higher.

Determine Employees' Basic RIF Service Computation Dates

The RIF team has primary responsibility to accurately determine the respective service computation dates (SCD) of each employee competing for retention. Possibly the most time-consuming step in preparing for RIF actions is computing the SCD for each competing employee. Even when an agency uses an automated system to determine employees' retention standing, the agency uses the paper documents that served as the basis for the agency's decision (including employees' retention SCDs) to meet its burden of proof if an employee appeals the RIF.

Depending on the size of the RIF, the agency may establish a separate SCD support team to review the material in each employee's Official Personnel Folder and to compute individual employees' SCDs.

The agency may use the Sample Downsizing Skills Survey in Section N of this Appendix to ensure accurate SCD computations. Based on the survey, the agency may find a need to provide specific training to team members on the computation of civilian and Armed Forces service for purposes of the RIF regulations. For example, calculating the SCDs of employees with periods of leave without pay (LWOP) may be especially complex. The RIF team should always double-check any changes before entering the SCD into the employee's official record.

As necessary, the RIF team should document its decisions on retention service credit issues in the employee's OPF. The team should also ensure that each OPF contains appropriate documentation on civilian and Armed Forces service.

The SCD for RIF, leave, retirement, and severance pay may be different. If possible, the agency should verify all applicable SCDs for each employee reached for a RIF action.

Verify Employees' Performance Ratings of Record That Are Used for Retention

The RIF team has primary responsibility to verify the performance ratings of record that it uses to calculate the adjusted retention SCDs that provide many competing employees with additional service credit based upon their performance ratings of record. There are three suggested steps in this process.

The first step for the RIF team in verifying employees' retention performance ratings of record is to note the applicable 4-year period for crediting performance ratings in the competitive area where the agency will conduct the RIF. The RIF regulations provide that an agency freezes performance ratings of record effective on the day before the agency issues specific RIF notices. However, the agency may choose an earlier cutoff date based upon a specified number of days before the agency will issue RIF notices.

The second step for the RIF team is to review all ratings of record that fall within the applicable 4-year window for crediting employees' performance ratings of record. The RIF team must identify the three most recent ratings in the 4-year window period for each employee in the competitive area.

The RIF team may be able to download this information from the agency's automated human resources data system. Otherwise, the team must manually document this information. Specifically, the team must document each rating of record and the effective date for each rating.

The RIF team should also carefully review the agency's performance management plan (or other policy) and document what effective date to use when putting a rating "on record."

Most agencies simply use the date on which it enters each employee's rating of record into the agency's human resources data system. This common procedure used by most agencies may affect which ratings are included in the 4-year window period for retention service credit even when the actual rating cycle ends on a single date.

For example, Agency X's rating cycle ends on September 30, 2008. Agency X has a policy of using the date a rating is finalized in its performance management system as the date the rating is on record and available for all purposes, including RIF. The agency enters the rating of record of Employee A in its data system on October 15, 2008, the rating of Employee B on November 1, 2008, and Employee C on November 15, 2008. In this example, the agency uses the actual dates of the three ratings in determining which ratings of record are included in the applicable 4-year window period, and whether a rating of record is not used for retention purposes because of a freeze.

In the third step, the RIF team should document:

- Which performance ratings of record for each employee are included in the agency's human resources data system;
- Whether the agency has a paper copy of each employee's rating of record;
- Whether each paper copy of a rating of record is complete with all appropriate signatures on the document;
- Whether each paper copy of a rating of record is included in each employee's

- performance file;
- The date that the agency put each rating on record if the rating is included in the applicable 4-year window;
 - The employee's summary level rating (e.g., Level 3, Level 5);
 - The rating pattern for the summary level (e.g., Pattern A - Pass/Fail, Pattern H - Five-Level); and
 - Each employee's current performance rating of record.

An employee's current performance ratings of record may modify an employee's potential bump and retreat rights to other positions in RIF competition. For reference, the RIF team should "flag" the records of any competing employee with a current performance rating of record of Level 2 (Minimally Successful or equivalent), or Level 1 (Unacceptable or equivalent). For example:

- An employee with a current Level 2 performance rating of record may only retreat to a position held by another employee with a current rating of Level 2 or Level 1.
- A current Level 2 rating of record does not affect a released employee's potential bump rights.

For a second example, an employee with a current Level 1 performance rating of record has no potential bump or retreat rights. An employee with a current Level 1 performance rating of record still competes for retention in the competitive level during first-round RIF competition, unless the employee receives a final decision of separation because of poor performance or adverse action. If the agency issues a final separation letter, the employee does not compete in the RIF.

Determine Employees' Adjusted RIF Service Computation Dates

After computing employees' basic RIF service dates, the RIF team has primary responsibility to accurately determine the respective adjusted retention SCDs that provide many competing employees with additional service credit based upon their performance ratings of record.

The amount of additional retention service credit for performance ratings of record within a competitive area may include:

- The default values in OPM's RIF regulations.
- A modal rating with the value defined by the agency; and

- Mixed values defined by the agency when the competitive area includes multiple summary level rating patterns.

After computing the adjusted retention SCDs, the RIF team will use the data in preparing retention registers with the name of each competing employee in the competitive area.

The RIF team uses the default values when all the ratings of record used for retention in the competitive area are under the same summary pattern. For example, every rating on record that the RIF team uses for retention is Pattern A -“Pass/Fail”. The default values are:

1. 20 years for each Level 5 rating (Outstanding or equivalent);
2. 16 years for each Level 4 rating (Exceeds Fully Successful or equivalent); and
3. 12 years for each Level 3 rating (Fully Successful or equivalent).

The RIF team does not provide any additional years of retention credit for a Level 2 (Minimally Successful or equivalent), or Level 1 (Unacceptable or equivalent) rating.

If an employee has two or three ratings of record, the RIF team averages the two or three actual ratings. The team adds the value of the ratings, and then divides by the number of the employee’s actual ratings of record. If the result is not an even number, the agency always rounds up the result.

If an employee has only one rating of record, the team provides additional retention service credit based solely on that rating. The result is the amount of the employee’s additional retention service credit for performance ratings of record.

Appendix E: RIF Team Skills Inventory Checklist

The RIF team skills inventory will assist the agency in maximizing the skills of potential members of the RIF teams. The skills inventory assumes that all or most RIF team members are part of the agency's HRO. The RIF team skills inventory will also serve as a tool to help the agency plan for specific training needed by members of the RIF teams. The agency may modify this sample skills inventory to meet its specific situation. Sample entries include:

1. If the employee's downsizing skill is "Current," enter "Yes" or "No" in that box.
2. In the "Source of Skill" box, enter how the employee gained the skill:
 - a. Formal Training = (T);
 - b. Experience or On-the-Job Training = (E);
 - c. Both (Formal Training & Experience) = (B); and
 - d. Not applicable = (NA).
3. In the "Skill Level" box, enter the employee's skill level:
 - a. Expert (EX) = The employee's downsizing skill is current, and the employee can provide advice and assistance on both routine and complex issues in this subject area.
 - b. Intermediate (I) = The employee can advise on routine questions in this subject area, and the employee's advice is based primarily upon theoretical application.
 - c. Novice (N) = The employee has basic knowledge, but no demonstrated ability in this subject area, and needs further training and/or experience in this area.
 - d. None (O) = The employee has no training or experience in this subject area, and the employee needs development in this area.
 - e. Interest (IN) = The employee has no training or experience in this area, but is interested in development in this area.
4. Narrative comments, if any.

RIF Team Skills Inventory Checklist

Employee Name:

Date:

| Skill | Current Skill Yes or No | Source of Skill <u>Answer Key:</u> 1. Formal Training = T 2. Experience or On-the-Job Training = E 3. Both (i.e., Formal Training & Experience) = B 4. Not applicable = NA | Skill Level <u>Answer Key:</u> 1. Expert= EX 2. Intermediate= I 3. Novice= N 4. None= O 5. Interest= IN | Comments |
|---|--------------------------------|---|---|----------|
| <u>RIF Avoidance Techniques</u> | | | | |
| <u>Position Management</u> | | | | |
| <u>Position Classification</u> | | | | |
| <u>Organizational Development</u> | | | | |
| <u>Workforce Forecasting</u> | | | | |
| <u>Workforce Skills Assessment</u> | | | | |
| <u>RIF Planning</u> | | | | |
| <u>RIF requirements</u> | | | | |
| <u>Automated RIF/personnel systems</u> | | | | |
| <u>RIF Execution</u> | | | | |
| <u>RIF procedures/requirements</u> | | | | |
| <u>Creditable service determinations/SCD calculations</u> | | | | |
| <u>Qualifications determinations</u> | | | | |
| <u>Veterans' preference determinations</u> | | | | |
| <u>RIF Benefits/Entitlements</u> | | | | |
| <u>Placement Programs</u> | | | | |
| <u>Benefits (FEHB, FEGLI, TSP)</u> | | | | |
| <u>Retirement</u> | | | | |

| Skill | Current Skill Yes or No | Source of Skill <u>Answer Key:</u> 1. Formal Training = T 2. Experience or On-the-Job Training = E 3. Both (i.e., Formal Training & Experience) = B 4. Not applicable = NA | Skill Level <u>Answer Key:</u> 1. Expert= EX 2. Intermediate= I 3. Novice= N 4. None= O 5. Interest= IN | Comments |
|---|----------------------------|---|---|----------|
| <u>Severance Pay, Grade/Pay Retention</u> | | | | |
| <u>Outplacement</u> | | | | |
| <u>Program Development</u> | | | | |
| <u>Career Counseling (Overall)</u> | | | | |
| <u>Assessment Tools</u> | | | | |
| <u>Identifying Career Objectives</u> | | | | |
| <u>Retraining</u> | | | | |
| <u>Employment Counseling (Overall)</u> | | | | |
| <u>Federal Employment</u> | | | | |
| <u>Other Public Sector</u> | | | | |
| <u>Private Sector</u> | | | | |
| <u>Résumés</u> | | | | |
| <u>Outplacement (continued)</u> | | | | |
| <u>Job Search Techniques</u> | | | | |
| <u>Interviewing</u> | | | | |
| <u>Self-Marketing</u> | | | | |
| <u>Networking</u> | | | | |
| <u>Salary/Benefits Negotiations</u> | | | | |
| <u>Job Clubs</u> | | | | |
| <u>Job Developers</u> | | | | |
| <u>Self-Employment</u> | | | | |
| <u>Career/Job Fairs</u> | | | | |
| <u>Stress Management Counseling</u> | | | | |
| <u>Crisis Management Counseling</u> | | | | |
| <u>Relocation Counseling</u> | | | | |
| <u>Retirement Counseling</u> | | | | |

| Skill | Current Skill Yes or No | Source of Skill <u>Answer Key:</u> 1. Formal Training = T 2. Experience or On-the-Job Training = E 3. Both (i.e., Formal Training & Experience) = B 4. Not applicable = NA | Skill Level <u>Answer Key:</u> 1. Expert= EX 2. Intermediate= I 3. Novice= N 4. None= O 5. Interest= IN | Comments |
|--|----------------------------|---|---|----------|
| <u>Outplacement Center (Designing and Running)</u> | | | | |
| <u>Other:</u> | | | | |
| <u>Designing Customer Surveying Instruments</u> | | | | |
| <u>Sampling Techniques</u> | | | | |
| <u>Conducting Focus Groups</u> | | | | |
| <u>Instructor/Presentation Skills</u> | | | | |
| <u>Marketing/Sales Skills</u> | | | | |
| <u>Organizational Intervention Skills</u> | | | | |
| <u>Contracting Skills</u> | | | | |
| <u>Labor-Management Relations</u> | | | | |
| <u>Employee Relations</u> | | | | |
| <u>Agency Representative</u> | | | | |

Appendix F: RIF Team Skills Update

The RIF team should have knowledge of the following:

RIF Regulations (part 351 of title 5, Code of Federal Regulations) including provisions relating to:

- Computing RIF SCDs;
- Determining eligibility for veterans' preference;
- Crediting performance in RIF competition;
- Determining employees' qualifications in RIF competition, including security clearance issues, and physical qualifications with accommodation when necessary;
- Determining what actions are covered by the RIF regulations (e.g., a reassignment is not a RIF action, a non-covered job erosion demotion may actually be covered by the regulations);
- Determining which employees are covered by the RIF regulations (e.g., a member of the Senior Executive Service is not covered by OPM's RIF regulations, but instead has retention rights under part 359, subpart F, of title 5, Code of Federal Regulations);
- Determining assignment rights involving formally-designated trainee or developmental positions;
- Filing a RIF appeal to MSPB, and, if applicable, filing a RIF grievance under a collective bargaining agreement;
- Significant RIF appeals decisions of MSPB and the United States Court of Appeals for the Federal Circuit, and RIF-related decisions of the Federal Labor Relations Authority (FLRA).
- Automated RIF Software versus Manual Retention Registers. If the agency elects to use an automated RIF software program such as AutoRIF, the agency should include this training as part of its basic RIF training course. AutoRIF is one example of software available to help an agency conduct a RIF. The Department of Defense (DoD) developed AutoRIF. An agency may download the latest version of the AutoRIF software from:
<http://www.cpms.osd.mil/hrbits/autorif.aspx>

The agency should also consider whether to conduct the RIF manually, as an alternative to a software program such as AutoRIF. For example, depending on

the timing, size, and complexity of the planned RIF, the agency may find that implementing an automated RIF program may take more time and resources than manually determining employees' retention rights. To conduct a RIF manually, an agency generally first prints basic competitive levels from its ongoing employee database, then completes competition (including bump and retreat rights) by manually annotating the printed retention registers.

- Pay Issues and related resources:
 - Severance pay regulations published by OPM in part 550, subpart G, of title 5, Code of Federal Regulations; and
 - Grade and pay retention regulations published by OPM in part 536 of title 5, Code of Federal Regulations.

Some software packages include a severance pay calculator to assist the agency in making severance pay calculations for eligible employees who will be involuntarily separated. Section 351.803 of title 5, Code of Federal Regulations, requires that an agency provide an eligible employee with a severance pay estimate.

- Restoration Rights:
 - Active service in the Armed Forces, including rights under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA);
 - Compensable injuries under the Department of Labor's Office of Workers Compensation Programs (OWCP). OPM publishes restoration regulations in part 353 of title 5, Code of Federal Regulations.
 - Program-specific legislation (e.g., sections 233(d) and 625(b) of the Foreign Assistance Act of 1961); and
 - Agency-specific legislation (e.g., restoration within the Department of Defense after an overseas tour of duty authorized by section 1586 of title 10, United States Code).

A statutory restoration or reinstatement right may by itself require a RIF action for the agency to meet its obligation to an employee.

- Employee Benefits:
 - Retirement (optional, discontinued service, voluntary early, and deferred);
 - Health benefits;

- Life insurance; and
- Thrift Savings Plan.
- Selection Priority Programs for Displaced Employees:
 - Reemployment Priority List (RPL);
 - Career Transition Assistance Plan (CTAP);
 - Interagency Career Transition Assistance Plan (ICTAP); and
 - Agency-specific selection priority programs such as the Department of Defense's (DoD) Priority Placement Program (PPP), which is available to help place separated and demoted DoD employees in other positions within the agency.

Even if the agency establishes a separate outplacement team, the agency's RIF team members should have a working knowledge of all intra-agency and interagency selective placement programs available to displaced employees. This should include the agency's policies when the agency implemented one or more of these discretionary options (e.g., the agency may have voluntarily implemented a policy of providing priority placement to former employees on the RPL before filling a position with a current agency employee).

Appendix G: Career Transition Assistance Plan (CTAP)

Section A: Other Qualifying Conditions for Eligibility

To be eligible for selection priority under CTAP, a surplus or displaced employee must meet all of the following conditions covered in (1) through (6) below.

1. The employee must have a current performance rating of Level III or higher (for example, Fully Successful or equivalent); this requirement does not apply to employees in positions excluded from a performance appraisal system by law, regulation, or OPM administrative action;
2. The employee must apply for a vacancy that is at or below the grade level of the position from which the employee may be or is being separated, and has no greater promotion potential than that position;
3. The employee must occupy a position located in the same local commuting area as the vacancy, or at the agency's discretion, a position in a different local commuting area (with this option, a CTAP eligible employee may exercise expanded selection priority to positions in a different local commuting area only when the agency has no eligible surplus or displaced employees within the additional local commuting area who (i) apply for the vacant position(s), and (ii) are found by the agency to be well-qualified for the vacant position);
4. The employee must file an application for a specific vacancy within the time frames established by the hiring agency;
5. The employee must provide proof of eligibility for selection priority under CTAP; and
6. The employee must be well-qualified (as determined by the agency) for that specific vacancy (see definition of "well-qualified" for purposes of CTAP eligibility in chapter VI, Glossary of Terms).

Section B: Beginning Date of Eligibility

Qualifying Notices. A displaced or surplus employee is eligible for selection priority under CTAP beginning with the date the individual receives:

- A specific notice of separation by RIF;

- A written notice of proposed removal (including a final decision) by adverse action for declining a directed reassignment, transfer of function, or other similar reason, outside of the employee's present local commuting area;
- A Certificate of Expected Separation (CES);
- A notice stating that the employee is eligible for discontinued service retirement (DSR); or
- A notice of position abolishment, or an equivalent notice indicating that the employee's position is surplus for purposes of CTAP eligibility.

Section C: *Ending Date of Eligibility*

RIF Separation Notice. A displaced employee is eligible for CTAP selection priority until the date the employee is separated by RIF. A displaced employee is no longer eligible for CTAP selection priority beginning with the date the agency cancels the employee's specific notice of separation by RIF.

Removal For Declining Relocation. A displaced employee is eligible for CTAP selection priority until the day after the employee is removed by adverse action for declining a directed reassignment, transfer of function, change of duty station, or other similar relocation outside the employee's present local commuting area.

Cancellation of Notice. A displaced employee is no longer eligible for CTAP selection priority beginning with the date the agency cancels the employee's proposed or final notice of removal by adverse action for declining a directed reassignment, transfer of function, change in duty station, or other similar relocation outside the employee's present local commuting area.

Other Notices. A surplus employee is no longer eligible for CTAP selection priority beginning with the date the agency cancels the employee's CES, or other applicable agency certification that identifies the employee as surplus for purposes of CTAP eligibility.

Voluntary Separation. A surplus or displaced employee is no longer eligible for selection priority under CTAP beginning with the date the employee voluntarily separates from the agency by resignation, retirement under authority other than DSR, transfer, or other reason.

Commitment to Voluntarily Separate. A surplus or displaced employee may lose eligibility for selection priority under CTAP if the employee makes a commitment to voluntarily separate from the agency. A displaced employee is no longer eligible for selection priority under CTAP after the agency accepts the employee's application to voluntarily retire or resign from the agency. This includes a voluntary retirement or

resignation when the employee and the agency enter into a separation agreement in exchange for a Voluntary Separation Incentive Payment (VSIP, also known as a “buyout”).

A surplus employee is still eligible for selection priority under CTAP after the agency accepts the employee’s application to voluntarily retire or resign from the agency, unless the agency cancels the applicable agency certification that identified the employee as surplus. This includes a voluntary retirement or resignation when the employee and the agency enter into a separation agreement in exchange for a VSIP.

Acceptance of Another Position. A surplus or displaced employee’s eligibility for selection priority under CTAP ends on the date the employee receives a career, career-conditional, or excepted appointment without time limit, in any agency and at any grade level. Entitlement to selection priority may end even if the employee accepts a term or temporary position in the agency because the employee no longer meets the definition of a surplus or displaced employee.

Declination of Permanent Position. At the agency’s option, a surplus or displaced employee’s eligibility for selection priority under CTAP may end on the date the employee declines a career, career-conditional, or excepted appointment without time limit, for which the individual has both applied and been rated well-qualified by the agency.

Section D: *Notification Requirements*

Orientation Session. Agencies must actively provide placement assistance to displaced and surplus employees through their CTAPs. An individual agency’s specific OPM-approved plan includes the agency’s policies to provide career transition services to all surplus and displaced agency employees affected by downsizing or restructuring. This includes a requirement that the agency provide a specific orientation session for surplus and displaced employees on the use of career transition services and the eligibility requirements for selection priority under both the CTAP and ICTAP. The orientation session must include information on how eligible employees apply for vacancies under both CTAP and ICTAP.

Notification of CTAP. At the time an agency issues a specific notice of separation by RIF, or by adverse action procedures for declining relocation to a position in a different local commuting area, the agency must give each of its eligible employees information in writing about the special selection priority available to them under the agency’s CTAP. This information must contain guidance to the employee on how to apply for vacancies under CTAP and what documentation is generally required as proof of eligibility.

The agency must provide the same information to each employee who has received a CES, or other official agency certification that identifies an employee as being likely to be separated by RIF or other involuntary action not for cause.

Notification of Vacancies. The agency must take reasonable steps to ensure that surplus and displaced employees who are eligible under CTAP are notified of all vacancies that the agency has announced in the local commuting area. The agency is responsible for notifying eligible surplus and displaced employees of:

- How eligible surplus and displaced employees within the agency can apply for the vacancies;
- What proof of eligibility surplus and displaced employees need for selection priority to vacancies under CTAP; and
- What the agency’s definition is of “well-qualified” for selection priority to a specific position under CTAP.

Agency Failure to Provide Eligibility Notification. If the agency does not properly notify the employee of his or her eligibility for selection priority as required, at its discretion the agency may contact OPM to determine whether corrective action is appropriate. This may include reviewing agency appointments to determine whether other corrective action is necessary.

Notification of Qualifications Determination. Each agency is required to advise, in writing, candidates under CTAP who apply for specific vacancies within the local commuting area of the results of their application, and whether or not they were found well-qualified for a vacancy.

If an agency finds that a candidate is not well-qualified, the agency is required to conduct and document an independent second review of the application. The agency must also advise the applicant in writing of the results of the second review.

If the agency finds that a candidate is well-qualified, but the agency selected another well-qualified surplus or displaced candidate for the vacancy, the agency must notify the candidate who was not selected of this action.

Section E: *Order of Selection*

Specific Order of Selection. When filling a vacancy, as defined in chapter VI, Glossary of Terms, the agency must select a surplus or displaced employee who is eligible for CTAP selection priority before selecting any other candidate for the vacancy from within or outside the agency. Under CTAP, the agency may decide the specific order of selection of its eligible employees. For example, the agency may specify that it will select:

- Displaced employees before surplus employees, or

- Displaced employees and/or surplus employees from within a component of the agency before selecting displaced employees and/or surplus employees from a different component of the agency.

Temporary Help Services. When filling a vacancy, as defined in chapter VI, Glossary of Terms, the agency must select a surplus or displaced employee who is eligible for selection priority under CTAP before procuring temporary help services.

Priority From Different Local Commuting Area. After the agency has met its obligation to provide selection priority under CTAP to surplus and displaced employees within a local commuting area, the agency may then provide selection priority for vacancies at that location to surplus and displaced employees from one or more different local commuting areas. The agency may provide this option only when the agency has no eligible surplus or displaced employees within the additional local commuting area who both apply for the vacant position, and are found by the agency to be well-qualified for the vacant position.

Other Internal Candidates. After the agency has met its obligation to provide selection priority under CTAP to its surplus and displaced employees, the agency may use appropriate staffing procedures to select any other competitive service career or career-conditional candidate for a vacancy.

External Candidates. After the agency has met its obligation to provide selection priority under CTAP to its surplus and displaced employees, the agency must apply the selection order in (1) through (4) below to select a candidate from outside its workforce for a vacancy:

1. First in the order of selection and under appropriate selection procedures—Current or former employees of the agency who are eligible under the agency’s Reemployment Priority List (RPL);
2. Second in the order of selection and under appropriate selection procedures—At the agency’s option, any other former employee who was displaced from the agency;
3. Third in the order of selection and under appropriate selection procedures—Current or former Federal employees who were or will be displaced from other agencies, and are eligible for selection priority under ICTAP; and
4. Fourth in the order of selection and under appropriate selection procedures—At the agency’s option, any other candidate for the vacancy.

Section F: *Exceptions to the CTAP Special Selection Priority*

CTAP selection priority does not apply to the following actions:

- Internal Selections When No Well-Qualified CTAP Eligibles Apply (i.e., covering reassignments, changes to lower grade, promotions, and other merit and promotion actions);
- Reemployment Rights, including the reemployment of injured workers who have either been restored to earning capacity by the Department of Labor's Office of Workers Compensation Programs (OWCP), or who have received a notice that their compensation benefits will cease because of recovery from the disabling injury or illness;
- Disciplinary Actions (i.e., position changes when filling a job via disciplinary actions);
- Temporary Appointments Less Than 121 Days (including all extensions). An agency's temporary appointments of less than 121 days (including all extensions) are not covered by CTAP;
- Internal Job Swaps (i.e., when the actions involve no increase in either grade or promotion potential);
- Noncompetitive Conversion From Excepted Service Positions, including the conversion of an employee serving on a Veterans Recruitment Appointment to a career-conditional appointment. This exception also includes the agency's reinstatement of an SES member to the employee's former position (or an equivalent position);
- RIF and Transfer-of-Function Actions, including when the agency finds that another employee would otherwise be separated by RIF unless the agency takes the placement action;
- Noncompetitive Movement During Reorganization (e.g., an employee's former position ceases to exist, and no new actual vacancy exists);
- Intergovernmental Personnel Act;
- Excepted Service Positions, including appointments to positions (such as Schedule A attorneys) which can only be filled through excepted service appointments, as well as excepted service appointments to competitive service positions (such as appointments of disabled persons or those eligible for Veterans Recruitment Appointments);
- Details;
- Temporary Promotions Less Than 121 Days;

- Noncompetitive Movement of Surplus or Displaced Employees (within the agency, and within the same local commuting area);
- Movement of Excepted Service Employees Within an Agency;
- Movement Resulting From Medical Condition (as an alternative to disability retirement);
- Movement Resulting in a Reasonable Offer (for purposes of discontinued service retirement (DSR) eligibility). For DSR purposes, “reasonable offer” is generally defined as the offer of another position within the same agency when the offered position is within two grades of the employee’s present position, is located in the same local commuting area, and has the same status, tenure, and work schedule. For information on DSR see Chapter 44 of the *CSRS and FERS Handbook for Personnel and Payroll Offices*, which is available on the OPM website at www.opm.gov.
- Career Ladder Promotions;
- Reclassification Actions (e.g., application of new position classification standards, or the accretion of duties);
- Recall of Seasonal and Intermittent Employees, from a nonpay/nonduty status to a pay and duty status.
- Movement Resulting From Medical Accommodation, internally when the agency identifies a position in which the employee can be offered reasonable accommodation for the employee’s condition.
- Settlement of Dispute, i.e., a formal complaint, grievance, appeal, or other litigation (does not include actions taken to resolve a complaint still in the informal stage);
- Return of an Employee to His or Her Original Position During Supervisory or Managerial Probationary Period;
- Excepted Positions Brought Into the Federal Service. CTAP does not cover the retention of individuals whose positions are brought from the excepted service into the competitive service and are subsequently converted to career or career-conditional competitive service appointments. This exception includes:
 - The retention of incumbents of positions brought into the competitive service when the Government takes over a public or private enterprise;
 - The retention of incumbents of positions brought into the competitive service from the excepted service; and

- The conversion of the incumbent to a competitive service position.
- Retention of Individuals Covered by a Variation of OPM Regulations (5 CFR 5.1);
- Selection Within a Component after the agency has met its obligation to provide selection priority within the local commuting area to surplus and displaced employees of the same component under CTAP;
- Reemployment of an Individual Under an Agency's Formal Trial Retirement Program;
- Extension of Temporary or Term Appointments (i.e., an extension of a temporary or term appointment up to the full period allowed, when the original vacancy announcement specified that CTAP eligibles could apply). The original announcement must also state that an extension of the appointment is possible without further announcement.
- Noncompetitive Movement of Employees Between Agencies, as a result of an interagency reorganization, interagency transfer of function, interagency mass transfer, interagency realignment, or similar interagency action;
- Guaranteed Placement of SES Member to a position in another personnel system under 5 CFR part 317;
- Voluntary Transfer Under Memorandum or Agreement;
- Reassignment via Mobility Agreement, when an employee whose position description (or other written mobility agreement) provides for reassignment outside the employee's present local commuting area as part of a planned rotational program within the agency.

Section G: *Application for Vacancies*

Application Procedures. In order for an eligible employee to receive special selection priority under CTAP, the individual must:

1. Apply for a specific vacancy in the same local commuting area as the employee's present position;
2. Submit all required forms or documents, including proof of eligibility, within the time frames set by the employee's agency; and
3. Be well-qualified for the vacancy, as determined by the agency.

Status of Application After Eligibility Expires. Once an eligible surplus or displaced employee's CTAP selection priority eligibility expires, the employee no longer receives selection priority for the vacancy, even if the employee was eligible when he or she filed an application for the position. (See Section B of this Appendix for information on eligibility expiration).

Section H: *Proof of Eligibility*

RIF Separation Notice. A specific notice of separation by RIF is proof of eligibility for CTAP.

Removal Notice After Declining Relocation. A proposed notice of removal by adverse action for declining a directed reassignment, transfer of function, or other similar relocation outside the employee's present local commuting area, is proof of eligibility for CTAP. The initial reassignment notice, and/or the employee's notice declining the reassignment, is not proof of eligibility for CTAP.

Discontinued Service Retirement Notice. An official notice from the agency indicating that an employee is eligible for DSR is proof of eligibility for CTAP.

Certification of Expected Separation. A CES is proof that an employee is eligible for the CTAP.

Other Agency Certification. An agency may also issue other official certification identifying an employee as being in a surplus organization or occupation as proof that the employee is eligible for CTAP.

Section I: *Agency Selections for Vacancies*

Overall Order of Selection. In making selections for a vacancy from among candidates with selection priority under CTAP, the agency must first follow the overall order of selection covered in Section E of this Appendix. For example, the agency must select an employee who is eligible for CTAP before selecting any other candidate from within or outside the agency unless the agency can show that another employee would otherwise be separated by RIF.

As possible options consistent with CTAP selection priority, at its discretion the agency may choose to select:

- Displaced employees before surplus employees, or

- Displaced employees (and/or surplus employees) from within one component of the agency before selecting displaced employees (and/or surplus employees) from a different component of the agency.

Eligible Employees. An agency may not select another candidate for a vacancy if the agency has an available eligible employee.

Two or More Eligible Employees. If two or more eligible employees apply for a vacancy and the agency determines the employees are well-qualified under CTAP, the agency may select any of these eligible employees for the vacancy. The agency must provide a written notice to an employee eligible for selection priority under CTAP if the agency selects another employee for the position.

No Eligible Employees Apply. If no eligible employees apply for a vacancy, the agency may select another career or career-conditional agency employee without regard to CTAP.

No Well-Qualified Employees Apply. If no eligible employees apply for the vacancy or the agency finds none of the applicants for a vacancy are well-qualified, the agency may select another career or career-conditional agency employee without regard to CTAP.

Section J: Oversight, Complaints, and Appeals

OPM Oversight and Review. OPM is responsible for oversight of CTAP. OPM at any time has the right to conduct reviews of an agency's actions relating to the agency's specific CTAP actions. OPM also provides advice and technical assistance to agencies implementing CTAP.

No Appeal Right to the Merit Systems Protection Board. An employee has no right to appeal a CTAP issue to the Merit Systems Protection Board (MSPB).

Other Possible Options for Complaints. Employees may be able to pursue complaints concerning the agency's CTAP actions through the agency's administrative grievance system. Bargaining unit employees covered by negotiated agreement may be able to pursue a complaint through the negotiated grievance procedure. Complaints involving accusations of discrimination are filed through the Equal Employment Opportunity (EEO) complaint process. Complaints that the agency's action is a prohibited personnel practice are filed with the Office of Special Counsel (www.osc.gov).

Appendix H: Voluntary Early Retirement Authority (VERA)

Section A: VERA Overview

Purpose of VERA. The purpose of the VERA option is to allow employees to voluntarily retire early under the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS) from an agency that is undergoing substantial organizational change (e.g., reduction in force (RIF), reorganization, reshaping, delayering). The voluntary VERA separation will often avoid an involuntary separation by RIF or relocation, and/or offer a placement opportunity to a surplus or displaced employee.

Exclusion. The Governmentwide VERA regulations do not apply to the Government Accountability Office (GAO) or the Department of Defense (DoD). Each of these agencies has its own agency-specific statutory VERA authority.

VERA and Discontinued Service Retirement. Though the age and service requirements are the same, discontinued service retirement (DSR) is not the same as VERA. DSR is based on an involuntary separation, while VERA is a voluntary retirement authority. The formula used to compute a DSR annuity is the same as the formula used to compute a VERA annuity. Chapter 44 of the *CSRS/FERS Handbook for Payroll and Personnel Offices*, contains information on DSR. The Handbook is available on the OPM website at <http://www.opm.gov/asd/htm/hod.htm>.

VERA and Buyouts. A Voluntary Separation Incentive Payment (VSIP) (also called a "buyout") is not the same as VERA. OPM approval of VERA for an agency does not automatically authorize VSIP incentives.

Additional VERA Guidance from OPM. OPM's website at http://www.opm.gov/employ/VERA%20Guide%2008_2006.pdf includes the *Guide to Voluntary Early Retirement*, and a Fact Sheet on voluntary early retirement.

Section B: Employee Eligibility for VERA

Eligibility for VERA: To be eligible to retire under VERA, an employee must meet all six conditions below:

1. Attained the VERA minimum age and service requirements:
 - Completed at least 20 years of creditable service and be at least age 50, or
 - Completed at least 25 years of creditable service regardless of age;
2. Was continuously employed by the agency for at least 31 days before the date the agency requested OPM approval of VERA;

3. Is currently serving under an appointment that is not time-limited;
4. Has not received a final removal decision based upon misconduct or unacceptable performance;
5. Is currently serving in a position designated by the agency as covered by VERA;
and
6. Retires under the VERA option during the window period designated by the agency (i.e., a period of time for employees to apply for VERA and to subsequently separate from the agency by VERA).

Statutory VERA Age and Service Requirements. The minimum age and service requirements are set by statute. OPM has no authority to waive either the minimum age or service requirement for VERA eligibility.

Employees on Active Duty in Armed Forces. An employee on active duty in the Armed Forces who would otherwise be eligible for a VERA offer will have 30 days following restoration to the agency to accept or reject the agency's offer of a VERA. The restored employee has the right to accept or reject the agency's offer of VERA even if the authority approved has expired.

Chapter 43 of title 38, United States Code, requires that agencies treat employees on active duty in the Armed Forces, for all practical purposes, as though they are still on the job, with no disadvantage because of service in the Armed Forces.

Use of Annual Leave to Reach Initial VERA Eligibility. An employee has the right to use accrued annual leave and remain on the agency's rolls past the effective date of a RIF separation in order to gain title to an immediate annuity. An employee also has the right to use accrued annual leave past the RIF date in order to establish eligibility to continue health benefits coverage into retirement.

Section C: *Requesting OPM Approval of VERA*

Agency's VERA Decisions. In requesting VERA, the agency has a responsibility to:

1. Decide when to request VERA from OPM;
2. Decide whether to use an OPM-approved VERA;
3. Decide which employees are covered by the VERA request;
4. Establish the VERA window period(s) for accepting applications and for separating employees by VERA; and,

5. Determine the number of employees who may retire under the VERA and when those employees may separate.

VERA Request from Agency Headquarters. An agency's request to OPM for VERA must be signed by:

1. The head of the agency; or
2. A specific designee.

A "specific designee" is a senior officer or official within an agency who has been specifically designated to sign requests for VERA under a designation from the head of the agency. Examples include a Chief Human Capital Officer, an Assistant Secretary for Administration, and a Director of Human Resources Management.

Appendix I: *Voluntary Separation Incentive Payment (VSIP)*

Section A: *VSIP Definitions*

Agency. “Agency” means an Executive agency as defined under section 105 of title 5, United States Code, and an individual employed by a county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act, as covered in section 590h(b)(5) of title 16, United States Code.

Employee. “Employee” means an individual defined under section 2105 of title 5, United States Code, who is employed by an agency, and an individual employed by a county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act, as covered in section 590h(b)(5) of title 16, United States Code.

“Employee” does not include an individual who:

1. Is serving under an appointment with a time limitation;
2. Has not been employed by the Government of the United States for a continuous period of at least 3 years;
3. Is a reemployed annuitant under chapter 83 (Civil Service Retirement System) or 84 (Federal Employees’ Retirement System) of title 5, United States Code, or under another retirement system for employees of the United States Government;
4. Has a disability and is, or would be, eligible for disability retirement under CSRS or FERS, or under another retirement system for employees of the United States Government;
5. Is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance;
6. Previously received a VSIP from the Federal Government under any authority;
7. Is covered by statutory reemployment rights based on a transfer to another organization;
8. During the 36-month period preceding the date of separation for a VSIP, performed service for which the agency has paid or will pay a student loan repayment benefit under section 5379 of title 5, United States Code;
9. During the 24-month period preceding the date of separation for a VSIP, performed service for which the agency has paid or will pay a recruitment or relocation incentive under section 5753 of title 5, United States Code; or

10. During the 12-month period preceding the date of separation for a VSIP, performed service for which the agency has paid or will pay a retention incentive under section 5754 of title 5, United States Code.

Section B: VSIP Overview

Purpose of VSIP. The VSIP option allows an agency in a reshaping situation to offer permanent employees a lump-sum payment up to \$25,000 if the employee voluntarily retires or resigns. The voluntary VSIP separation will often avoid an involuntary separation by reduction in force (RIF) or relocation, and/or offer a placement opportunity to a surplus or displaced employee.

In some situations, the voluntary VSIP separation may also serve as a management tool to assist the agency in reshaping its existing workforce into better alignment with the skills and knowledge needed to perform updated positions that better reflect the agency's mission.

Exclusions. The Governmentwide VSIP regulations do not apply to the Department of Defense (DoD), which has its own agency-specific statutory VSIP authority. The Governmentwide VSIP regulations do not apply to the Government Accountability Office (GAO). GAO continues its agency-specific VSIP authority under section 2 of Public Law 108-271. Some agencies (e.g., the Federal Deposit Insurance Corporation, the Postal Service, and Treasury's Office of Thrift Supervision) offer VSIP under their own statutory authorities. A permanent agency-specific VSIP authority does not require OPM approval.

VSIP and Discontinued Service Retirement. Though the age and service requirements are the same, discontinued service retirement (DSR) is not the same as VSIP. DSR is based on an involuntary separation, while VERA is a form of voluntary retirement. The formula used to compute a DSR annuity is the same as the formula used to compute a VERA annuity.

Chapter 44 of the *CSRS/FERS Handbook for Payroll and Personnel Offices*, contains information on DSR. The Handbook is available on the OPM website at <http://www.opm.gov/asd/htm/hod.htm>.

Buyouts and VERA. A Voluntary Early Retirement Authority (VERA) is not the same as VSIP. OPM approval of VSIP for an agency does not automatically authorize VERA. See Appendix H for information on requesting OPM approval of VERA. OPM approval of VSIP for an agency does not change the minimum age and service requirements for VERA or other types of immediate retirement.

Additional VSIP Guidance from OPM. OPM's website at http://www.opm.gov/employ/VSIP%20Guide%2008_2006.pdf includes the *Guide to Voluntary Separation Incentive Payments*, and a Fact Sheet on Voluntary Separation Incentive Payments.

Section C: Requesting OPM Approval of VSIP

Agency's VSIP Decisions. In requesting VSIP, the agency has the responsibility to:

- Decide when to request VSIP from OPM;
- Decide whether to use an OPM-approved VSIP;
- Decide which employees are covered by the VSIP request;
- Establish the VSIP window period(s) for accepting applications and for separating by VSIP; and,
- Determine the number of employees who may retire under the VSIP and when those employees may separate.

VSIP Request from Agency Headquarters. An agency's request to OPM for VSIP must be signed by the head of the agency or a specific designee. A specific designee is a senior officer or official within an agency who has been specifically designated to sign requests to offer VSIP under a designation from the head of the agency. Examples include the Chief Human Capital Officer, the Assistant Secretary for Administration, the Director of Human Resources Management, or a deputy of one of these persons.

Submitting a VSIP Request to OPM. An agency submits its request to OPM for VSIP to:

Associate Director
Human Capital Leadership and Merit System Accountability Division
U.S. Office of Personnel Management
1900 E Street, NW, Room 7470
Washington, DC 20415

An agency can also fax the VSIP request to the appropriate OPM Human Capital Officer at (202) 606-1798.

VSIP Request Checklist. The agency's OPM Human Capital Officer can provide a VSIP checklist as a guide for an agency to reference in preparing its VSIP request to OPM.

Information in VSIP Request. The agency's request to OPM for approval of VSIP must include a plan outlining the intended use of VSIP, including a proposed organizational chart showing organizational goals after completion of the payments or the agency's human capital plan.

The agency's human capital plan must outline the agency's intended use of the separation incentives. The agency's human capital plan must also outline the expected changes in the agency's organizational structure after the agency has completed the VSIP offers.

The agency's plan submitted under either option above must always include:

1. Identification of the specific positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational series, grade level and any other factors related to the position;
2. A description of the categories of employees who will be offered separation incentives identified by organizational unit, geographic location, occupational series, grade level and any other factors, such as skills, knowledge, or retirement eligibility;
3. The time period during which separation incentives may be paid;
4. The number and maximum amounts of the separation incentives;
5. A description of how the agency will operate without the eliminated or restructured positions and functions;
6. A proposed organizational chart displaying the expected changes in the agency's organizational structure after the agency has completed the incentive payments;
7. If the agency has requested, or will request VERA, a short explanation of how the agency will use that authority in combination with separation incentives; and
8. If the agency is offering separation incentives under any other statutory authority, a description of how the agency is using that authority.

OPM and OMB Review of Agency's VSIP Plan. OPM will consult with the Office of Management and Budget (OMB) concerning an agency's plan to offer VSIP. The review of the agency's plan may include a consideration of costs and benefits associated with using the authority.

If there are questions concerning the agency's plan, OPM may:

- Contact the agency;
- Inform the agency's staff of OPM's concerns; and/or
- Require that the agency revise the plan to bring the plan into conformance with OPM's VSIP regulations.

OPM will notify the head of the agency in writing when OPM approves the agency's plan to offer VSIP. An agency may not offer VSIP without OPM approval.

Forwarding Overdue VSIP Reports to OPM. OPM may require an agency to forward overdue interim and final reports on a previous VSIP before OPM approves a new VSIP

for the agency. OPM's approval letter to the agency contains the VSIP reporting requirements.

Competitive Sourcing Situations. An agency carrying out a competitive sourcing or similar study that could result in excess personnel and/or skills imbalances in an organization may initiate a request to OPM for contingent approval of VSIP authority before the study is completed. This option is available in situations when the agency is considering alternative methods to perform work, including a Most Efficient Organization (MEO) study and other similar options that potentially may involve the outsourcing of work.

Because of the detailed requirements related to a competitive sourcing study and the need for strict confidentiality in the process, it is difficult for the agency to forecast the outcome of the study and the effects of the study on the agency's workforce. Contingent OPM approval recognizes that the agency's need for VSIP would be subject to the outcome of the competitive sourcing or similar study.

For contingent approval of VSIP authority, the agency submits the information in the above paragraph to request VSIP authority, but using its projected outcomes for retaining the work, or outsourcing the work.

The agency must notify OPM of the outcome of the competitions for OPM approval to offer VSIP. If the competitive sourcing decision will result in the agency outsourcing the function, OPM will authorize immediate use of the VSIP, subject to OMB consultation. If the competitive sourcing decision is to retain the function in the agency, for OPM approval the agency must provide OPM with updated information to support the VSIP request. OPM will then review the data as part of the approval process that requires OMB consultation.

At its option, the agency may concurrently submit a request for contingent VERA approval.

Section D: *Offering VSIP to Employees*

VSIP Offers Must Be Consistent with OPM-Approved Plan. An agency may offer a VSIP only as authorized in the plan approved by OPM. An agency may not (1) offer a VSIP later than the expiration date of the VSIP authority in the agency's approved plan; (2) establish an effective date for payment of a VSIP that is later than the expiration date of the VSIP authority in the agency's approved plan; and (3) offer a VSIP to an employee who is outside the scope of the VSIP authority approved by OPM.

Organizational Basis for VSIP Offers. An agency may offer VSIP only on the basis of organizational considerations such as:

- One or more organizational units;

- One or more occupational series or levels;
- One or more geographical locations;
- The skills, knowledge or other factors related to a position;
- Specific periods of time during which eligible employees may elect to voluntarily separate by retirement or resignation for a VSIP; or
- Any appropriate combination of the five factors above.

Selecting Employees for VSIP. An agency must accept VSIP applications from all employees eligible under the OPM-approved plan. However, the agency must limit the number of actual separations for a VSIP to no more than the number in the OPM-approved VSIP plan.

Each time an agency with VSIP authority establishes a window period to accept employees' applications for VSIP incentives, the agency may limit VSIP offers to its employees based upon an established opening and closing date of the VSIP window, or the acceptance of a specific number of applications for VSIP incentives.

At the time the agency offers VSIP incentives to its eligible employees, the agency must notify its employees that it retains the right to limit the number of VSIP offers on the basis of a specific closing date of the VSIP window, and/or acceptance of a specific number of applications for VSIP incentives, along with setting the date for employees to separate with a VSIP.

If the agency amends its VSIP offer on the basis of a revised window closing date or number of VSIP applications that the agency will accept or a revised separation date, the agency must announce the revised closing date and/or number of VSIP applications to the same group of employees included in the original VSIP announcement.

If the agency offers VSIP incentives to its eligible employees in a separate or a new notice with a revised closing date and/or number of VSIP applications or a revised separation date, the agency may also offer the VSIP option to a different group of employees if these employees are covered by the approved VSIP authority.

The agency may administratively implement a procedure to determine which employees may separate with a VSIP when more employees apply for a VSIP than the agency can offer. Such a procedure may allow:

- All employees to subsequently decline separating by retirement or resignation for a VSIP even after the employee signs the applicable forms;
- No employees to subsequently decline separating by retirement or resignation for a VSIP even after the employee signs the applicable forms; or

- On a case-by-case basis for a reason such as hardship and specific agency approval as an exception, employees to subsequently decline separating by retirement or resignation for a VSIP even after the employee signs the applicable forms.

Ensuring That VSIP Separations Are Voluntary. The agency is responsible for ensuring that employees are not coerced into retiring or resigning to accept a VSIP, and the employee's decision to separate was not based upon erroneous or misleading information. When announcing an opportunity to separate for a VSIP, the agency should inform its employees that separation by retirement or resignation for a VSIP is a voluntary action by the employee. An agency's optional canvass letter to determine potential employee interest in a VSIP is not coercion, but is simply an accepted tool to help the agency meet its present and future staffing needs.

If an agency finds that an employee was coerced into separating by retirement or resignation for a VSIP, the agency has the responsibility to take appropriate corrective action. An employee who separates by retirement or resignation for a VSIP, but who subsequently believes that the separation was actually involuntary, may potentially appeal the basis for the separation to MSPB. An employee may potentially appeal the basis for the separation even if the employee signs a statement that the retirement or resignation is voluntary and was not coerced.

Employees on Active Duty in Armed Forces. An employee on active duty in the Armed Forces who would otherwise be eligible for a VSIP offer will have 30 days following restoration to the agency to accept or reject the agency's offer of VSIP. The restored employee has the right to accept or reject the agency's offer of VSIP if the authority approved has expired. Chapter 43 of title 38, United States Code, requires that agencies treat employees on active duty in the Armed Forces, for all practical purposes, as though the employee is still on the job, with no disadvantage because of service in the Armed Forces.

Waiver of the Usual Health Benefits Participation Requirement. Benefits Administration Letter (BAL) 04-208, dated September 8, 2004, covers "Federal Employees Health Benefits Program: Participation Requirements for Employees Retiring During a Period of Voluntary Separation Incentive Payments or Voluntary Early Retirement Authority." BAL 04-208 covers OPM's policy on waivers of the usual participation requirements for employees who retire during a period during which their agency has authority to offer VERA or VSIP. BAL 04-208 is available from OPM's website at <https://www.opm.gov/asd/pdf/2004/04-208.pdf>.

Processing VSIP Separation. The *Guide to Processing Personnel Actions* contains processing instructions for VSIP separations. The Guide is available from OPM's website at <http://www.opm.gov/feddata/gppa/gppa.asp>.

For employees retiring with a VSIP under the VERA option, the Guide states that Authority Code “ZLM/P.L. 107-296, VERA No. and date” covers employees under the Civil Service Retirement System.

For employees retiring with a VSIP under the VERA option, the Guide states that Authority Code “USM/5USC Chapter 84 and AZM/OPM Office, VERA No. and date” covers employees under the Federal Employees’ Retirement System.

Service Agreements and VSIP Separations. An agency should request an interpretation from its legal staff before deciding whether to release from a service agreement an employee who is interested in separating for a VSIP. Common service agreements cover an employee’s obligation to perform service with the agency for a specific period of time following training, relocation, or similar situations.

Section E: Agency Management of VSIP

Scheduled VSIP Reports to OPM. After OPM approves an agency’s plan to offer VSIP, the agency is required to provide OPM with interim and final reports on the authority. OPM’s approval letter to the agency contains the reporting requirements for separation incentives. OPM may suspend or cancel an agency’s authority to offer VSIP if OPM finds that the agency did not comply with either the reporting requirements or reporting schedule contained in OPM’s letter approving the agency’s plan. See Section F for information on OPM’s oversight of VSIP activity.

Notifying OPM of VSIP Changes. After OPM approves an agency’s plan to offer VSIP, the agency is required to immediately notify OPM of any subsequent changes in the conditions that served as the basis for the separation incentives. OPM will consult with OMB, and notify the agency in writing of any changes in the agency’s plan to offer VSIP.

Section F: OPM Oversight of VSIP

OPM May Amend, Limit, or Terminate VSIP Because of Changed Situation. OPM may amend, limit, or terminate an agency’s VSIP authority if OPM determines that the agency is no longer undergoing the condition (e.g., downsizing, restructuring, reshaping) that was the basis for OPM's approval of the VSIP authority.

OPM May Amend, Limit, or Terminate VSIP Because of Agency’s Actions. OPM may amend, limit, or terminate an agency’s VSIP authority if OPM determines that the agency did not administer the authority in a manner that is consistent with applicable law and/or regulation.

OPM May Suspend VSIP Because of Overdue or Incomplete Reports. OPM may suspend an agency’s VSIP authority if the agency does not:

1. Provide the information requested by OPM in the reporting requirements for the VSIP authority; or

2. Does not provide the information consistent with the reporting schedule.

OPM's approval letter to the agency contains the reporting requirements for the VSIP, as well as the schedule to forward the reports to OPM.

Section G: VSIP Repayment Requirement from Reemployment

Obligation to Repay VSIP. An employee who voluntarily separated for a VSIP under an OPM-approved VSIP authority and accepts employment with the Federal Government within 5 years after the date of separation must repay the gross amount of the VSIP to the agency that paid the incentive. The former employee must repay the entire amount of the VSIP before the individual's first day of reemployment.

Service in the Armed Forces or in the uniformed services (i.e., Armed Forces, the Commissioned Corps of the Public Health Service and of the National Oceanic and Atmospheric Administration) is not considered Federal employment for purposes of invoking the VSIP repayment obligation. Also, service as a Peace Corps volunteer is not considered employment with the Federal Government for purposes of invoking the VSIP repayment obligation.

Explanation of Employment. For purposes of the VSIP repayment obligation, "employment" means any reemployment:

- For compensation with the Federal Government, unless the employment was under a waiver of the VSIP repayment obligation (see Section H of this Appendix for information on submitting VSIP waiver requests to OPM); and
- Under a personal services contract or other direct contract with the Federal Government, but not with a legislative branch entity.

The legal staff of each agency is responsible for determining what is a personal services or direct contract for purposes of the buyout repayment provisions in section 3524 of title 5, United States Code. Agencies (and employees considering employment with a contractor) are advised to seek further guidance from their appropriate legal staff office when considering contracting with a former Federal employee who separated for a VSIP.

Legislative Branch Exclusion for Personal Services Contracts. The legislative branch is excluded from the usual repayment requirement for an OPM-approved VSIP only for purposes of a personal services or other direct contract with a legislative branch entity. Otherwise, the individual who separates for an OPM-approved VSIP must repay the VSIP if reemployed in the legislative branch unless the head of the legislative branch entity or the legislative branch appointing official waives the buyout repayment under section 3524(c)(2) of title 5, United States Code.

Obligation to Repay VSIP Under Other Authority. An executive branch employee who voluntarily separated for a VSIP on or after March 30, 1994, under authority that was not approved by OPM and accepts employment with the Government of the United States within 5 years after the date of separation should refer to the controlling statute authorizing the VSIP to determine the former employee's obligation to repay the VSIP; and whether the obligation requires repayment of the entire amount of the VSIP before the first day of employment.

Section H: *Waiver of the VSIP Repayment Requirement*

OPM Waiver of the VSIP Repayment Requirement for Executive Branch Reemployment. The head of an executive branch agency may request OPM to waive the VSIP repayment obligation under an OPM-approved VSIP if:

- The individual seeking reemployment possesses unique abilities and is the only qualified applicant available for the position; or
- In the case of an emergency involving a direct threat to life or property, the individual seeking reemployment has skills directly related to resolving the emergency and will serve on a temporary basis only so long as that individual's services are made necessary by the emergency.

The option of requesting a waiver of the VSIP repayment obligation does not include the Government Accountability Office, the Postal Service, or the Postal Regulatory Commission.

Waiver of the VSIP Repayment Requirement for Legislative Branch Reemployment. For employment in the legislative branch, the head of the legislative branch entity or appointing official may waive the VSIP repayment obligation of the former executive branch employee applicable to an OPM-approved VSIP if the individual seeking reemployment possesses unique abilities and is the only qualified applicant available for the position.

The head of the legislative branch entity or appointing official may also waive the VSIP repayment obligation applicable to an OPM-approved VSIP if the waiver is based upon reemployment with the Federal Government or employment under a personal services contract or other direct contract with the Federal Government.

Waiver of the VSIP Repayment Requirement for Judicial Branch Reemployment. For employment in the judicial branch, the head of the judicial branch entity or appointing official may waive the VSIP repayment obligation of the former executive branch employee applicable to an OPM-approved VSIP if the individual seeking reemployment possesses unique abilities and is the only qualified applicant available for the position.

The head of the judicial branch entity or appointing official may not waive the VSIP repayment obligation applicable to an OPM-approved VSIP if the waiver is based upon reemployment with the Federal Government or employment under a personal services contract or other direct contract with the Federal Government.

Waiver of a VSIP Repayment Requirement Under Other Statutes. For a VSIP authorized under authority other than an OPM-approved VSIP, the hiring entity should review the statute that authorized the VSIP to determine whether a waiver is permitted under the controlling statute and how to submit a waiver request.

Submitting a VSIP Repayment Waiver Request to OPM. An agency submits its request for a VSIP repayment waiver to:

Associate Director
Human Capital Leadership and Merit System Accountability Division
U.S. Office of Personnel Management
1900 E Street, NW, Room 7470
Washington, DC 20415

An agency also may fax the request to the appropriate OPM Human Capital Performance Officer at (202) 606-1798.

Appendix J: *Preparing and Using Retention Registers*

First Step. The first step for the RIF team is to prepare retention registers, determine which employees are released from these registers because of position abolishments, and determine whether the released employees have a right to a continuing position on a different retention register.

When the RIF team begins preparing retention registers, the team should be confident that its employee data are accurate, including each competing employee's:

1. Title, series, and grade as documented in the employee's official permanent position of record;
2. Position description number and competitive level assignment;
3. Eligibility for veterans' preference under OPM's RIF regulations;
4. Performance ratings of record within the applicable 4-year window period;
5. Work schedule on the official position of record;
6. Appointment authority (especially for excepted service employees);
7. Tenure;
8. Basic RIF service computation date (SCD) that includes creditable civilian and military service; and
9. Adjusted SCD (i.e., the employee's basic RIF service computation date augmented by any additional retention service credit based upon the employee's three most recent ratings of record in the applicable 4-year period before the agency froze the ratings).

Project Employee Retention Data to the RIF Effective Date. The RIF team projects its available employee data to the effective date of the RIF, except for new performance ratings of record which are frozen under authority of OPM's retention regulations or the agency's own discretionary policy. In preparing retention registers, the RIF team projects all employee data to the effective date of the RIF, except for frozen performance ratings of record. The team does not determine the retention standing of an employee on a date other than the effective date of the RIF (e.g., the team does not determine employees' retention data as of the date the agency issues specific RIF notices).

The RIF team uses the effective date of the RIF to project items, including, for example:

- The basic RIF SCD (e.g., adjustments for excess leave without pay (LWOP),

work performed on an intermittent work schedule);

- A change in tenure (e.g., conversion from career-conditional to career);
- Other conversions (e.g., conversion from excepted service Veterans Recruitment Appointments (VRA) to a competitive service appointment);
- Career ladder promotions (unless a freeze applies); and
- Change in preference eligibility (e.g., certain reservists begin receiving Armed Forces retired pay at age 60, an employee qualifies for derivative preference after the agency issues specific RIF notices).

Prepare Retention Registers. The RIF team uses the information summarized above to prepare retention registers consistent with the RIF regulations. The retention register applies to a competitive level after applying the four retention factors required by section 3502 of title 5, United States Code:

- Tenure (type of appointment);
- Veterans' preference;
- Total creditable Federal service (civilian and uniformed); and
- Performance ratings of record.

After the agency applies the four retention factors to a competitive level, a retention register lists employees covered by the RIF regulations in the order of their relative retention standing in a single competitive level.

The agency should continue to review each retention register for accuracy. Even when an agency uses an automated program such as AutoRIF to help construct a retention register, in a RIF appeal the agency's burden of proof is still based on the paper records documenting the employee's retention standing. In reviewing each retention register, the RIF team should document items such as:

- The identification of all individuals in the competitive area;
- The identification of all positions in the competitive area, including all vacancies available for possible offers (i.e., including vacancies in a competitive level with an abolished position);
- The identification of positions abolished by management;
- The basis for establishing competitive levels;
- The identification of each official position of record included in a competitive level;

- Each employee's official position description;
- Any meetings, correspondence, disputes, or agreements with the agency's collective bargaining unit(s);
- The agency's policy on placing a performance rating of record for purposes of the RIF regulations;
- Performance crediting decisions where mixed patterns occurred;
- The cutoff date for submitting and accepting new performance ratings of record; and
- Any documents that support each employee's retention standing (e.g., each competing employee's performance ratings of record, SF-50's documenting positions held, DD-214's documenting Armed Forces service, letters from the Department of Veterans Affairs documenting a compensable service-connected injury).

In reviewing the retention register for accuracy, the agency should verify that the register is based solely upon employees' official positions of record rather than upon a nonpermanent action such as a detail or a temporary promotion.

Separate Noncompeting Employees Before Releasing Competing Employees From the Competitive Level. Before actually releasing a competing employee from the competitive level, the RIF team, in coordination with the HRO, must, by the effective date of the RIF, remove all noncompeting employees from that level.

Identify Employees Released From the Competitive Level in First-Round Competition. The RIF team applies the list of abolished positions and then determines which employees are reached for release from each retention register in first-round RIF competition. In first-round RIF competition, an employee competes on the basis of the four retention factors to retain the present position (or a very similar interchangeable position), and remain in the competitive level. In second-round RIF competition, an employee competes on the basis of the four retention factors for assignment into a position on a different competitive level.

Appendix K: *Determining Rights to Other Positions*

Determine Employees' Representative Rates. The RIF team begins second-round RIF competition by determining the “representative rate” for each position in the competitive area. “Representative rate” is defined in chapter VI, Glossary of Terms.

When two or more positions are in different pay schedules, the RIF team uses the representative rates of the individual positions to determine equivalent grade levels and the best offer of assignment for a released employee. A released employee may not have an offer of assignment higher than the representative rate of the employee's official position of record.

The team does not use representative rates when the positions are in the same pay schedule. With one pay schedule, the team directly compares the grades or levels of the individual positions.

The RIF team compares the employees' representative rates that are in effect on the date the agency issues specific RIF notices, unless the agency knows that new pay rates are officially approved and will be implemented by the effective date of the RIF.

If the RIF team finds that the competitive area includes prevailing rate employees (e.g., Federal Wage System (FWS) wage grade employees) on different rate schedules, the team should verify that any automated RIF program used by the team will accept more than one rate schedule for the same pay plan.

Determine the Normal Line of Progression for Each Position. The RIF team then determines the “normal line of progression” for each position in the competitive area.

The RIF team determines the normal line of progression on the basis of the official position an employee holds on the effective date of the RIF, regardless of how the employee progressed to the position.

To determine the normal line of progression for each position, the team should have access to references such as the:

- *Introduction to Position Classification Standards* at <http://www.opm.gov/fedclass/index.asp>;
- The agency's (or activity's) merit staffing and promotion plans;
- The agency's (or activity's) position management plan; and
- The agency's (or activity's) personnel rosters and organization.

A released employee has potential bump and retreat rights to positions at the same grade, or down to three grades or grade-intervals (or equivalent) below the position from which the employee is released.

A released employee who is eligible for veterans' preference in RIF and is receiving a service-connected compensable disability of 30 percent or more has potential retreat rights to positions at the same grade, and down to five grades or grade-intervals (or equivalent) below the position from which the employee is released.

The same grade limits apply to a RIF offer of assignment to a vacant position. The grade limits do not apply to an offer of a lower-graded position in lieu of a RIF action (e.g., an offer of a voluntary change to lower grade in the same or in a different competitive area in lieu of separation by RIF).

Identify Vacancies Available for Assignment and Other Placement Offers. For the next step, the RIF team determines whether a released employee will receive a vacant position as either a RIF offer of assignment, or as an in-service placement action (e.g., reassignment, offer of a voluntary change to lower grade, a position in a different competitive area).

After management decides which positions will be staffed on the personnel roster for the post-RIF organization, the RIF team applies the RIF retention regulations to determine which employees will actually encumber these positions.

The RIF regulations require consideration of employees' retention standing only in the competitive area that is conducting the RIF. For positions in a different competitive area, the team, in coordination with the HRO, offers positions consistent with the agency's merit staffing plan.

When identifying positions available for placement offers, to prevent any misunderstanding, the RIF team should identify each position in an automated system or manually by:

1. Position title, series, and grade (including any promotion potential);
2. Position description number;
3. Competitive level;
4. Organization;
5. Duty station;
6. Tenure—temporary, term or permanent; and
7. Work schedule.

Determine Released Employees' Qualifications for Assignment. The RIF team evaluates each released employee's qualifications for assignment to a position on a different retention register that is held by an employee with lower retention standing.

An employee released from a competitive level by RIF has bump or retreat rights to another position held by an employee with lower retention standing only if the released employee is qualified for assignment.

The RIF team reviews available records with information on the released employee's education, training, and experience.

The RIF team reviews the employee's OPF, as well as any updates to the employee's qualifications requested by the HRO, to determine whether the released employee is qualified for assignment to an occupied or vacant position in a different competitive level.

Some automated RIF programs allow the team to make qualification determinations up front and enter the results in the system, or to make individual qualification determinations on each employee as potential placements are available.

If the RIF team uses the "front-loading" method, the team makes qualification determinations by competitive level for all possible placements within the competitive area. Under this method, the team must decide if the released employee:

- Is qualified for the position and previously held the position (i.e., the team determines whether a possible retreat right exists for the released employee); or
- Would only qualify under the more liberal qualification requirements that apply to a vacant position.

If the team chooses to make individual qualification determinations on each employee as potential placements are available, the team will make fewer individual qualification determinations than if the team makes qualification determinations up front and enters the results in the system. However, the process of running the RIF may take longer as the team stops to determine qualifications for each potential placement.

Whichever method the team chooses, the team will probably save time by gathering as much qualification information as possible before beginning second-round RIF competition. Many agencies prepare a worksheet on each employee for quick reference, with the worksheet identifying each released employee's education, all prior positions, and any special qualifications (e.g., licenses, certificates, documented special skills).

If more than one member of the RIF team or other HRO staff reviews the qualifications of the released employee, the team leader must ensure the decisions are consistent throughout the RIF process. The team should document all qualification determinations,

including background notes when appropriate. The HRO should then retain this documentation for future reference in defending the agency's decisions in RIF appeals or grievances. The same information will often help the HRO outplacement in providing employees with career transition options.

Determine Released Employees' Assignment Rights. The RIF team is now ready to determine whether each released employee has RIF bump or retreat rights to a position on a different retention register that is held by an employee with lower retention standing. The team also determines whether to offer a vacant position to a released employee.

To simplify second-round RIF competition, the team may develop Master Retention Lists (MRL) that combine the names of employees in the competitive area who are released from individual retention registers in first-round RIF competition.

Each MRL identifies released employees in the absolute order of the employees' respective retention standing without regard to the grades or classification series of the employees' official positions of record. However, the team establishes separate MRLs for employees on different tours of duty (e.g., full-time, part-time, seasonal, and intermittent).

If the agency chose to provide assignment rights to its excepted service employees, besides separate MRLs for different tours of duty, the team would also establish a separate MRL for each excepted service appointment authority. As part of the same simplified procedure, the team may also develop comparable MRLs that combine the names of all competing employees in the competitive area who were not released from individual retention registers in first-round RIF competition.

To determine employees' assignment rights, the team first determines whether the released employee with the highest retention standing on the Master Retention List of Released Employees (MRLRE) has an assignment right to a position on the comparable list of employees who were not released from a competitive level (i.e., the Master Retention List of Employees in Continuing Positions (MRLECP)).

If the highest-standing employee on the MRLRE of released employees displaces a lower-standing employee in a continuing position on the MRLECP of employees who were not released, the team then places the name of the released lower-standing employee on the MRLRE, consistent with the employee's retention standing. The team then refers back to the MRLRE and determines whether the released employee who is second from the top has an assignment right to another position on the MRLECP. Eventually, the team will move from the top to the bottom of the MRLRE in considering every released employee for assignment to an encumbered position on the MRLECP, or a vacant position on the agency's personnel roster.

The MRLRE/MRLECP procedure provides each released employee with the best possible offer of assignment. Because the team begins with the highest-standing employee on the MRLRE in determining the assignment rights of each released

employee, no released employee can claim a better offer of assignment on the MRLECP than a higher ranking individual based on higher retention standing.

The team may have additional MRL options available, depending on the basis for the RIF. For example, in a reorganization in which some positions are abolished while other positions continue in the new organization, the team may use retention standing through the MRLECP to “bridge” employees to the same or a successor position in the new organization.

For another option, if the agency abolishes all positions in the old organization and establishes all new positions (i.e., none of the old and new positions are placed in the same competitive level), the team may reduce its requirement to establish competitive levels by simply placing all positions in the competitive area on an appropriate MRLRE. The team may then use retention standing through the MRLECP to determine employees’ best offers to positions in the new organization.

As necessary, the RIF team should document the reasons for offering, or denying, a released employee assignment to another position. Even when the team uses AutoRIF or a comparable software package to determine employees’ assignment rights, the agency’s burden of proof in a RIF appeal is still the paper documents that serve as the basis for the team’s decisions. For example, the team should document:

- Qualification determinations (including, when necessary, decisions on physical qualifications or security clearances);
- The basis for waiving qualifications in assignment to a vacant position (if the agency elects this option);
- Reasons for denying assignment rights; and
- Any decisions relating to undue interruption in providing or denying assignment rights.

Run Mock RIF and Review Results for Accuracy. After the RIF team determines the assignment rights of released employees, the team may conduct a mock RIF to identify possible problems with retention records before the agency actually implements RIF actions.

The RIF retention regulations do not include a definition of “mock RIF.” An effective mock RIF reflects the results of management’s decisions to abolish positions in the RIF, and which positions to staff in the organization after the RIF.

Especially with an automated program such as AutoRIF, a mock RIF allows agency management to review the impact of different scenarios (e.g., a 20-percent reduction in funding, the privatization of a function, the consolidation of multiple locations).

Agency managers often use the results of a mock RIF to conduct a cost/savings analysis of a potential RIF before it actually takes place. For example, direct RIF costs may include severance pay, unemployment compensation, lump-sum annual leave payments, relocation expenses, grade retention, pay retention, transition assistance, and payroll costs (including overtime) which the HRO and its teams can estimate or identify prior to actually conducting the RIF.

The RIF team may also use the same results of the mock RIF to determine benefits for employees potentially reached for RIF actions (e.g., immediate retirement, severance pay, grade retention, pay retention). This helps the team save time later when it is preparing to issue specific RIF notices.

Both the HRO and the RIF team should ensure that management does not use the results of the mock RIF to modify the pre- or post-RIF personnel rosters for the purpose of reaching an employee for separation or demotion, or saving an employee from a potential RIF action.

If the team conducts a mock RIF, the HRO, in coordination with agency management, should consider whether to share the results with the workforce. If the effective date of the RIF is established and is in the near future, the HRO provides the results of the mock RIF to agency management for the principal purpose of informing management of the impact of the RIF upon the old and the successor organizations. If the effective date of the RIF is tentative or not immediate, the HRO may coordinate with agency management regarding whether or not to release the results of the mock RIF.

If agency management believes the agency's potential post-RIF staffing decisions are tentative and subject to change, publicizing the results of a mock RIF may needlessly upset some people or may give other employees a false sense of security. Also, a subsequent RIF based on different job abolishment and staffing decisions could hamper the agency's effective implementation of its Strategic Plan.

However, if agency management believes the agency's potential post-RIF staffing decisions are definite, the agency may be able to provide early career transition assistance options, and surplus employees will have additional time to make critical career-related decisions.

In either situation, the HRO should always advise employees that the outcome of a subsequent actual RIF may be different from the results of a mock RIF because of changed assumptions by agency management. Some advantages of sharing the results of a mock RIF include:

- Motivating employees to seriously consider career transition assistance options;
- Issuing advance notices (e.g., surplus notices, Certificates of Expected Separation) to provide surplus employees with early eligibility for agency placement programs (e.g., the CTAP, the Reemployment Priority List, and

agency-specific selection priority programs), and training and retraining opportunities; and

- Providing surplus employees with as much information as early as possible.

Some disadvantages of sharing the results of a mock RIF include:

- The possibility that an actual RIF will result in different outcomes than the mock RIF because of changes in management's decisions to abolish positions, successful career transition employee attrition through voluntary early retirement and outplacement initiatives, etc.;
- Potential negative impact on productivity;
- Disruption to the workforce because of possible uncertainty and change; and
- The possibility that employees will misperceive the mock RIF as targeting specific employees for separation or movement to a different line of work.

Appendix L: *Issuing RIF Notices*

Determine Each Released Employee's Eligibility for Benefits. The RIF team must determine what benefits are available to each employee who will be released from a competitive level by a RIF action. The team must provide appropriate benefits information in each employee's specific RIF notice. For some items, the team may provide benefits information in an attachment or supplement to the specific RIF notice.

The RIF team issues different notices depending on the released employee's eligibility for benefits (e.g., an employee who is reached for separation by RIF receives a different notice from an employee who has a bump right to a position at the same grade). If the RIF team previously ran a mock RIF and reviewed each released employee's potential eligibility for benefits, the team should be able to readily update the benefits information in preparing subsequent actual RIF notices to the workforce.

An employee may be separated, downgraded, offered another position at the same grade, or furloughed for more than 30 days, under the RIF regulations. An employee reached for a RIF action may be eligible for benefits such as:

- Grade retention;
- Pay retention;
- Severance pay;
- Discontinued service, optional, or other immediate retirement annuity (including the FERS MRA + 10 option);
- Selection priority in applying for positions in the same or in a different agency;
- Unemployment compensation;
- Training or retraining.

The RIF team, in coordination with the HRO, should easily be able to identify employees who meet the minimum age and service requirements for an immediate annuity. This includes an otherwise eligible employee who may establish initial eligibility for an immediate annuity by using accumulated annual leave after the effective date of the RIF.

The RIF team should use a worksheet to note each employee's eligibility for grade retention, pay retention, and/or severance pay. The RIF team should complete the worksheet as soon as it identifies the final action for each employee. Any tentative worksheets prepared by the team in a mock RIF will expedite the process.

Some automated systems will calculate severance pay. If possible, the team should thoroughly test the automated software so both the team and the employees in RIF competition have complete confidence in all severance pay estimates prepared by the team.

Even when using an automated program, the team should manually verify each employee's eligibility for severance pay, and the civilian service credit used to compute the amount of severance pay. In computing severance pay, the team computes the amount payable to the RIF effective date. However, if the employee resigns prior to the effective date of the RIF, the team must recompute the amount of severance pay to reflect the employee's actual separation date from the agency.

Prepare Specific Written RIF Notices and Mandatory Attachments. The RIF team now prepares specific written RIF notices that document for each released employee the personnel action the agency is taking, and the employee's eligibility for certain benefits because of the personnel action.

If possible, the RIF team should begin drafting sample notices when agency management develops a communication plan to share information related to a RIF. In drafting the RIF notices, the team should develop standard language when appropriate (e.g., all notices should contain the same language on the reasons for the RIF). Also, the team and the HROs should have agency management, and the agency's legal staff, approve the notices. Finally, the team should designate staff to review and proofread each notice for any errors in content, format, and spelling.

For consistency, the team should limit non-standard pages to a minimum. This allows the team to produce the standard pages in bulk in the first stages of preparing RIF notices. The team can later combine the standard notice pages with any custom notice pages.

The actual specific notice should be as brief as possible, with attachments providing more information. The RIF regulations require the agency to include information on designated items in the specific RIF notice, but allow the agency to provide information on other items in one or more attachments to the RIF notice.

For example, attachments to specific written RIF notices offer one or more of the following items, as applicable:

1. The form for the released employee to accept or decline an offer of another position;
2. A form for a released employee to file, as applicable, a RIF appeal to MSPB, or to file a RIF grievance under a controlling collective bargaining agreement;
3. The name of a HRO employee to contact for information on retention rights or eligibility for benefits; and

4. Eligibility, as applicable, for benefits such as:

- Severance pay, including estimate;
- Grade retention;
- Pay retention;
- Retirement options;
- Intra- and interagency priority placement programs (e.g., the CTAP, ICTAP and RPL);
- Eligibility for intra-agency repromotion priority to the grade of the position from which demoted;
- Refunds (e.g., retirement contributions and the Thrift Savings Plan (TSP));
- Lump-sum payment of annual leave;
- Health and life insurance benefits;
- Additional internal and external outplacement assistance;
- Unemployment insurance;

Authorization to release résumés to interested public and private sector employments;

- Training benefits under the Workforce Investment Act; and
- Using annual leave to gain initial entitlement to an immediate annuity and/or continuance of health benefits into retirement.

Send Notices to Other Organizations if 50 or More Employees Receive Separation Notices. The RIF team helps the HRO prepare notices with additional information that the agency sends to three external organizations if the agency issues RIF separation notices to 50 or more employees.

If the agency issues RIF separation notices to 50 or more employees in a competitive area, the agency must provide a notice to:

1. The chief elected official of local governments(s) within which the agency will separate 50 or more employees by RIF;
2. The appropriate State program authorized by the Workforce Investment Act of 1998;

3. OPM; and
4. The applicable State office of the Department of Labor's Unemployment Insurance Service (UIS).

Notify Bargaining Unit Representative(s). At the same time the agency issues a specific written RIF notice to one or more employees, the agency must also notify all appropriate exclusive bargaining unit representatives. The agency may have additional notice obligations under an applicable collective bargaining agreement.

Determine How Agency Will Deliver RIF Notices. The HRO should coordinate with agency management, the agency's legal staff, and possibly with security, in developing procedures to deliver RIF notices to individual employees. A RIF potentially raises the stress level for employees reached for RIF actions, as well as for agency coworkers and line managers who must continue to implement the agency's Strategic Plan while maintaining continuity of the agency's line programs.

When planning for delivery of RIF notices to employees, the HRO and others involved in the decision process should consider:

- Developing an automated tracking system that will account for the status of each notice both before and after delivery to employees;
- Designating which manager or official will give RIF notices to individual employees (e.g., the first-level supervisor, the second-level supervisor, a higher-level manager in the organization, an individual in the HRO);
- Training the individual who will deliver the notices (e.g., additional training in close coordination with the agency's Employee Assistance Program (EAP));
- Mobilizing crisis intervention resources (again including the agency's EAP counselors);
- Deciding whether to designate another manager or official (e.g., a first- or second-level supervisor) to witness delivery of the notices to individual employees;
- Delivering the notices at the same time of the workday (e.g., at the beginning of the workday or shift, at the end of the workday or shift, at a group meeting);
- Designating the place where the agency will distribute the RIF notices (e.g., a manager's office or conference room);
- Preparing a statement for the manager or official who will deliver the notices;
- Covering additional options to minimize the immediate impact of a RIF notice

- upon an individual employee (e.g., unscheduled annual leave, excused absence);
- Preparing for additional security if necessary; and
 - Developing procedures to deliver notices the agency is unable to deliver in person (e.g., the employee is on extended absence from the workplace).

Prepare Packages for Separating Employees. Working with the RIF team, the HRO should begin preparing out-processing packages for separating employees no later than the date the agency issues specific RIF notices to employees who do not have an offer of another position. If the HRO will out-process a large number of employees, the office, in close coordination with the RIF team, should consider preparing the separation packages in large quantities with specific written instructions for distribution.

To distribute the material, options range from distribution at a large session for a group of separating employees to simply forwarding the material through the employee's first-level supervisor for distribution to the separating employee. Whichever option the agency chooses, the HRO should encourage the practice of having all individuals who sign the out-processing checklist do so at one location. This centralization is more convenient for the agency and its displaced employees.

The HRO should coordinate with agency management and the agency's workforce information staff in deciding which organization(s) will prepare Standard Form 52s documenting each personnel action. For example, in a large RIF, the HRO or another common service organization generally produces the SF-52 forms as a bulk operation. As another option in some agencies, each organization involved in job abolishments or other actions could prepare the appropriate SF-52 forms.

The HRO should verify that the agency has a current address for each employee who will separate from the agency. As part of the agency's out-processing procedure, the HRO should verify the employee's current address, as written on the SF-52 and/or another form.

OPM's *Guide to Processing Personnel Actions* identifies the information required for the agency's out-processing package. As soon as possible, the HRO and the RIF team should order enough copies of all forms and related materials needed for out-processing. No later than the date the agency issues specific RIF notices, the HRO and the team can obtain and begin preparing the necessary out-processing forms (e.g., notices covering the Thrift Savings Plan, health benefits, life insurance, unemployment insurance).

Most State employment offices need a copy of the SF-50 documenting the employee's separation by RIF. If possible, the HRO and the RIF team should give each employee the separation SF-50 on the employee's last day of work. Otherwise, the office and the team should mail the form to the employee as soon as possible after the effective date of the RIF. The office and the team should verify that each employee's SF-50 clearly documents the employee's involuntary separation from the Federal service (i.e., review

the standard terminology on the form and related material in the “Remarks” section of the SF-50). The outplacement team should contact the appropriate State unemployment compensation office to verify which documents a displaced employee needs to establish eligibility for benefits, and whether the employee who separates before the RIF effective date is still eligible for unemployment compensation.

If an employee with a separation notice resigns or retires before the effective date of the RIF, the employee may lose eligibility for selection priority for rehiring (e.g., loss of eligibility for the RPL and ICTAP). Depending on the State where the RIF takes place, the employee may also lose eligibility for unemployment compensation and retraining programs.

As part of out-processing, the HRO may choose to conduct exit interviews. This provides the agency with useful feedback on the RIF process, particularly about each employee’s perception of the agency’s career transition assistance programs and other outplacement initiatives.

Besides exit interviews, the HRO may consider asking separating employees to provide feedback through paper forms or e-mail survey forms. If the office chooses a paper survey, the agency should always include a self-addressed stamped envelope in the out-processing package. Survey options include asking the employee for feedback at the time of separation, and/or after the employee actually separates from the agency.

Deliver RIF Notices. The HRO will coordinate the delivery of specific written RIF notices consistent with the agency’s policy. The HRO should verify that each supervisor or management official who delivers RIF notices to employees is fully aware of all procedures in the agency’s plan for distribution of the notices. For example, the office must ensure that the individual who delivers the notices is aware of the agency’s procedure to document delivery of the notices, crisis intervention resources, such as the agency’s EAP counselors, that are available if needed, and other elements of the agency’s plan.

Consistent with the agency’s plan for distribution of RIF notices, the HRO is responsible for documenting any notices that the agency faxes or mails to an employee who is not available at a worksite. If the agency mails a notice to an employee, the HRO should use registered mail, or even request a return receipt. If necessary, the agency may also choose to send a second copy of the notice by regular mail for a backup. If the agency faxes a notice to an employee, the HRO should retain verification that the document was faxed and received at the designated telephone number.

In rare situations, an employee may refuse to acknowledge receipt of the RIF notice at the work site, or even to accept the RIF notice. If necessary, the agency should use registered mail, or request a return receipt, to document delivery of the RIF notice.

Immediately before the agency delivers RIF notices to individual employees, the HRO should provide first- and second-level supervisors, as well as other appropriate

management officials, a list of all employees in their work unit who will be affected by RIF actions.

Rerun RIF to Reflect Changes to the Personnel Roster in the Competitive Area. As necessary, the RIF team will redetermine employees' retention standing based on changes to the personnel roster of the competitive area where the agency will conduct the RIF. The agency determines each employee's retention standing on the basis of all positions in the competitive area on the effective date of the RIF, not on the basis of all positions in the competitive area on the date the agency issues RIF notices.

After the first run of the RIF, some employees must decide whether to accept or decline offers of any positions. If any employee declines an offer, the RIF team must rerun the RIF to determine whether another released employee will receive an offer or a better offer of a position on the effective date of the RIF. For example, the team may find that the agency may now make a better offer of assignment to a released employee, or offer a position to an employee originally identified for separation. In making the revised offers of positions, the HRO and the team should always advise each employee concerning how the new offer may affect the employee's benefits if the employee accepts or declines the offer.

The RIF team must also rerun the RIF to determine whether a released employee will receive a first offer or a better offer as the result of another employee in the competitive area separating before or on the effective date of the RIF for a reason such as retirement, resignation, or transfer to another agency.

Finally, the RIF team must rerun the RIF to determine whether a released employee will receive a first offer or a better offer if agency management authorizes additional vacancies before or on the effective date of the RIF. As the effective date of the RIF approaches, the HRO and the RIF team may need to modify the time period for employees to accept or decline their RIF placement offers. This procedure will assist the team in offering the position to another employee if the first employee declines the offer.

At the end of a large RIF, the team should have information to contact any employee in the event the team can make a last minute offer by telephone.

Appendix M: *Counseling Employees on Procedures and Options*

Planning for Effective Counseling. Employees usually prefer one-stop counseling sessions for whatever questions may be raised. However, this option is generally not feasible. Instead, (particularly in an initial session) the counselors should first summarize the specific subject to ensure that the released employees have a correct understanding of the topic before taking questions from the individual employees. Many times the summary session will answer most of the employees' questions. The team can then provide subsequent individual counseling sessions to released employees with specific concerns about their situation.

For example, after a group counseling session on RIF mechanics, the HRO may provide individual counseling by a member of the RIF team. The HRO should be able to use a similar approach to provide released employees with information on the full range of options under related subjects (e.g., grade retention, pay retention, severance pay, retirement, health benefits, life insurance, Thrift Savings Plan). The HRO should coordinate with team leaders and their counselors in deciding the format for each session (e.g., the length of each session, the subject(s) to be covered, involvement of personal or union representatives, availability of retention records).

If possible, a group session on a specific subject should not last more than one to two hours. A subsequent individual session should generally last no more than 30 minutes. The counselors should try not to rush employees, but should provide the employee with sufficient time and information to answer each employee's questions.

Many agencies wait several days after delivery of RIF notices to employees before providing counseling sessions. This allows employees to review OPM's or the agency's summaries of RIF procedures and benefits before the counseling sessions. However, the HRO may still begin signing up employees for the counseling sessions beginning with the day the employee receives a RIF notice. If scheduling conflicts develop, the HRO should give priority to employees considering an offer of another position because of the relatively short time period to make a final decision.

The HRO should verify that supervisors and managers are allowing employees time to attend each session consistent with the agency's policy on providing official administrative time to released employees. The HRO should also maintain a record of each group or individual counseling session in the event an employee alleges misinformation as an issue in a subsequent RIF appeal or grievance. The HRO should consult the agency's legal staff to resolve any issues concerning access to retention records.

Effective Outplacement Counseling. In a mid-size or large RIF, the HRO often establishes a specialized team to provide surplus and displaced employees with effective counseling on career transition options. Outplacement services under the agency's CTAP include:

- Allowing excused absences so employees may use the agency's career transition services and facilities (which may be onsite or at a different location);
- Providing continued employee access to the agency's career transition services or facilities even if the employee is separated;
- Convening an orientation session for surplus and displaced employees that explains how to use the agency's career transition services, and the eligibility requirements for selection priority under CTAP, ICTAP, and the RPL;
- Providing retraining opportunities for surplus and displaced employees;
- Allowing access by employees, including those with disabilities, to career transition services at all locations, including headquarters, field offices, and remote site locations;
- Allowing access by disabled employees to information on other forms of Federal, State, and local assistance available to support career transition for employees with disabilities;
- Providing employee assistance programs to surplus and displaced employees; and
- Designating career transition priority based upon individual agency components, if the agency elects this option.

Other common features of an effective outplacement program include sessions on:

- Preparing résumés; and
- Negotiating a salary with a private-sector employer.

All surplus and displaced agency employees are eligible for these outplacement services (but not necessarily for selection priority), including excepted service employees and members of the Senior Executive Service (SES) who are not covered by OPM's RIF regulations.

Depending on the size of the RIF, available staff, and agency resources, agency options to maximize career transition opportunities include:

- Establishing its own outplacement center;
- Using a contractor for briefings and/or counseling; and
- Referring displaced employees to other available outplacement services.

Appendix N: Reemployment Priority List

Section A: Eligibility Based on RIF

To be placed on the RPL because of a RIF action, the employee must:

1. Be serving under a competitive service appointment in retention tenure group I or group II (see Section K of this Appendix for a summary of RIF tenure groups and subgroups; see Section I in Chapter III for complete information on RIF tenure groups and subgroups);
2. Have a performance rating above Unacceptable (or equivalent), as the employee's current annual performance rating of record in RIF competition (the requirement for a rating above Unacceptable or equivalent does not apply to employees in positions excluded from a performance appraisal system by law, regulation, or OPM administrative action);
3. Have received a specific notice of separation by RIF or received a Certification of Expected Separation (CES) (see Chapter Z-5 for information on the CES); and
4. Not have declined a RIF offer of assignment to a position with both the same work schedule as the position the employee held at the time of separation by RIF, and the same representative rate as the position the employee held at the time of separation by RIF.

Beginning of Eligibility. An employee may register for the RPL as soon as the employee receives a:

- Specific notice of separation by RIF; or
- CES.

Time Limit for Processing Registration. The agency must register an eligible former employee on the RPL within 10 calendar days of having timely received a registration form (a registration form is timely received if submitted within 30 days after RIF separation).

RIF Demotion Not Covered. An employee who will be downgraded, or has been downgraded, by RIF is not eligible to register on the RPL. An employee who is involuntarily downgraded is eligible for priority consideration in repromotion through the agency's internal staffing plan only if the agency provides this option.

No RPL Eligibility from CTAP or Other Agency Placement Programs. An agency may not register an employee for the RPL solely on the basis of eligibility in the Career

Transition Assistance Plan (CTAP) or comparable agency-initiated program (such as the Department of Defense's Priority Placement Program (PPP)).

Section B: *Eligibility Based on Compensable Injury*

To be placed on the RPL because of a compensable injury or disability, the former employee must have:

1. Separated from the former position because of a compensable injury or disability, except as provided in the next paragraph below;
2. Held an appointment in a competitive service position in retention group I or group II at the time of the employee's separation;
3. Fully recovered from the injury or disability more than 1 year after the injury compensation started; and
4. Requested consideration for reemployment in the agency within 30 days after the date compensation ceases, except that when an appeal for continuation of compensation is filed, the 30-day period begins the day after resolution is reached.

Eligibility With Demotion. An agency places on the RPL an employee who accepted a lower-graded position in lieu of separation because of a compensable injury or disability, provided that the employee meets the four conditions in the paragraph above.

Eligibility With Partial Recovery. A partially recovered employee has no right to restoration, or to register for the RPL.

Eligibility With Disability Annuity. A former employee's eligibility for registration on the RPL because of recovery from a compensable injury is not affected by the individual's continued eligibility for a disability annuity under the Civil Service Retirement System, or under the Federal Employees' Retirement System.

Format for Requesting Registration. The former employee may request consideration for reemployment and registration for the RPL orally or in writing (i.e., no specific format is required).

Time Limit for Processing Registration. The agency must register an eligible former employee on the RPL within 10 calendar days of having timely received an oral or written request (a request is timely if made within 30 calendar days after worker's compensation ceases).

Section C: *Length of Eligibility for Selection*

Eligibility Period. The agency enters an employee on the RPL based on the employee's RIF retention standing at the time of the employee's separation (i.e., pending or completed separation) from the Federal service. The agency enters a tenure group I employee on the RPL for 2 years from the date that the agency registers the employee. The agency enters a tenure group II employee on the RPL for 1 year from the date that the agency registers the employee.

Reason for Eligibility Does Not Change Time Period. The reason an employee became eligible for the RPL does not change the time period that the present or former employee is carried on the list. The time limits for eligibility covered in the paragraph above apply to employees eligible for the RPL without regard to the employee's eligibility based on a RIF separation notice or on compensable injury.

Agency Must Be Able to Contact Registrant. The agency may suspend RPL consideration for both permanent and nonpermanent positions for any individual whom the agency is unable to contact. The individual may later submit an updated application to restore consideration from the RPL, but the employee's applicable 1- or 2-year period of eligibility on the list is not extended beyond the original time period set at the time of the employee's registration.

Declining Nonpermanent Employment Does Not Affect Eligibility. An employee's declination of an offer of a nonpermanent position has no effect on the employee's future eligibility on the RPL, or future consideration of positions offered through the RPL. For example, an employee registered on the RPL may decline a temporary or a term position and retain full eligibility on the list.

Section D: *Early Loss of Eligibility*

An agency must remove an employee from the RPL before the end of the appropriate 1- or 2-year period of eligibility described in Section C above if the individual takes any of the actions covered below in this section.

Removal at Employee's Request. An agency must remove an employee from the RPL if the employee requests removal.

Employee Accepts a Nontemporary Position. An agency must remove an employee from the RPL if the employee accepts, in any agency, a position under a career, career-conditional, or excepted appointment without a time limit.

Employee Declines RIF Offer. An agency must remove an employee from the RPL if the employee declines a RIF offer of assignment to:

- a position with a representative rate equal to the rate of the position from which the employee was, or will be, separated; or

- a career or career-conditional appointment, or an excepted appointment without a time limit.

Employee Declines RPL Offer. An agency must remove an employee from consideration on the RPL for all positions with a representative rate at, or below, that of any position the agency offers through the RPL, and for which the individual has:

- Declined an offer of a career appointment;
- Declined an offer of a career-conditional appointment;
- Declined an offer of an excepted appointment without a time limit; or
- Failed to respond to an inquiry from the agency when the position offered from the RPL meets the acceptable conditions covered on the individual's registration form.

An employee who declines an offer of a position from the agency's CTAP rather than an offer from the agency's RPL does not lose future eligibility for offers from the RPL.

Employee Voluntarily Leaves Position Before RIF Separation. An agency must remove an employee from the RPL if the employee voluntarily leaves the position before being separated by RIF. For example, the employee may voluntarily leave the position by retirement, resignation, transfer to another agency, or by a change of positions (including a permanent or nonpermanent position in the same or a different agency).

Employee Declines Interview. An agency must remove an employee from the RPL if the employee:

- Declines an interview for a position; or
- Fails to appear for a scheduled interview, after being notified by the agency that the declination or absence would eliminate the employee's future eligibility on the RPL.

When an agency removes an individual from the RPL because of failure to reply either to a specific offer of a permanent position or to an inquiry of availability for a specific permanent vacancy, the agency must have evidence to show that:

1. The agency made a written offer or inquiry; and
2. The individual received the offer or inquiry.

The written offer or inquiry to the individual must clearly state that failure to respond will result in future loss of consideration from the RPL for all grades or for lower grades, as appropriate.

RIF Notice Cancelled or Expires. An employee who is no longer subject to separation by RIF as the result of the cancellation, or expiration, of a specific RIF notice is not eligible for the RPL.

RIF Notice Cancelled or Expires. An agency must remove from the RPL an employee (or former employee) who is eligible based upon Alaska or overseas service if the employee registered on the RPL for Alaska or overseas leaves the local commuting area covered by that RPL, or the employee becomes disqualified for overseas employment because of previous service or residence.

Section E: *Employee Registration Based on RIF*

Time Limit for Registration. An employee who is eligible for registration on the agency's RPL on the basis of receiving a RIF separation notice must submit a completed application to the agency no later than 30 days after the date on which the employee was separated by RIF. An employee who does not submit a timely application is not eligible for registration on the RPL.

If the agency chooses to implement an application-based RPL procedure (see description below), the eligible employee must complete any initial documentation requested by the agency no later than 30 calendar days after the date on which the employee was separated by RIF. Section H of this Appendix notes that the agency may also implement the same application-based RPL procedure for a former employee who is eligible for the RPL on the basis of a compensable injury.

If the agency did not properly notify the employee of the right to register for the RPL, the agency must determine whether corrective action is appropriate.

First Opportunity for Registration. An employee may request registration on the RPL at any time after the employee receives either (1) a specific notice of separation by RIF, or (2) a CES. If the employee registers for the RPL before the date of separation by RIF, the appropriate 1- or 2-year period of eligibility covered in Section C of this Appendix still begins on the date the agency registers the employee on the RPL, rather than on the date the agency actually separates the employee by RIF. There is no authority for the agency to register an employee on the RPL if the employee has not received either a RIF separation notice or a CES.

Registration Forms. The agency determines what form it uses to register employees for the RPL. The registration form must allow each eligible employee to specify other acceptable conditions under which the employee will accept a position from the RPL. The agency should assist each employee in identifying positions for which the employee is qualified, and listing these positions on the employee's RPL registration form.

The eligible employee has the default option to request RPL consideration for all potential positions at the same or lower grade that are covered by the RPL. For example, when the employee wants consideration for all possible positions, there is no basis for an agency to limit RPL consideration only to positions, grades, and series specifically identified by the registrant.

If the employee wants to limit RPL consideration, the employee may restrict consideration by identifying other acceptable conditions of employment.

These restrictions apply to positions that have a different grade and/or work schedule as the position the employee held at the time of RIF separation. Conditions of employment may include grade, occupation, minimum work hours, and/or designated components or certain duty sites in the local commuting area.

After the employee files the registration form, the employee should advise the agency of any significant changes to the information in the form. For example, if the employee completes a retraining program after separation by RIF, the individual should notify the agency to ensure maximum consideration for positions being filled.

Application-Based RPL. At its option, the agency may establish an application-based procedure to replace or supplement the usual single registration procedure for the RPL. The application-based procedure allows an eligible employee to directly apply for RPL consideration for a vacancy that the agency plans to fill with an outside candidate.

Under the application-based procedure option, the eligible employee has RPL consideration only when the employee files an application for a vacant position covered by the RPL. If the eligible employee has no interest in a position and does not apply by the filing deadline, the agency does not consider whether the employee has selection priority to that position under the RPL.

To implement the application-based option, the agency should have a policy to ensure each eligible employee has access to the agency's vacancy announcements for positions in the local commuting area that are covered by the RPL. For example, the agency may post the vacancies on its website, fax copies of the vacancy announcements to its displaced employees, mail copies of the vacancy announcements to its displaced employees, and/or call its displaced employees to alert them concerning the vacancies. The vacancies will also be listed on OPM's website (www.opm.gov) as positions open to job candidates from outside the agency's current workforce.

Time Limit for Processing Registration. The agency must register an eligible employee on the RPL within 10 days of having timely received a registration form (submission of the form is timely if made within 30 days after RIF separation). If the agency finds that it did not meet the 10-day time limit, the agency must review its appointments to determine whether corrective action is appropriate, as covered in Section E of this Appendix.

Section F: *Employee Registration Based on Compensable Injury*

Time Limit for Registration. Except as provided below, a former employee who is eligible for the RPL on the basis of a compensable injury must request reemployment within 30 days after the date the employee's compensation is discontinued. The request can be made orally or in writing.

An agency may elect not to register an employee early for the RPL based on compensable injury. If the agency implements an application-based RPL procedure described in Section E above, a former employee who is eligible for the RPL on the basis of a compensable injury must complete any documentation requested by the agency within 30 days after the date the employee's compensation ceases.

Exception to Time Limits. When an employee files an appeal with the Department of Labor for continuation of compensation, the 30-day period for requesting reemployment as described above begins the day after resolution of the appeal is reached.

An employee who has filed an appeal for continuation of compensation is still eligible for the RPL based upon termination of the compensation. The employee may register for the RPL while the compensation appeal is pending, or the employee may wait until the compensation appeal is resolved and then apply for registration within 30 days after the appeal is resolved.

Registration Forms. The agency determines what form it uses to register employees for the RPL. The registration form must allow each eligible employee to specify other acceptable conditions under which the employee will accept a position from the RPL.

In completing the registration form, a former employee who is eligible for the RPL on the basis of a compensable injury also has the default option to request RPL consideration for all potential positions at the same or lower grade that are covered by the RPL. As an alternative, the former employee may limit consideration by identifying other acceptable conditions of employment, such as positions at a lower grade and/or with a different work schedule than the position the employee held at the time of separation from the service due to a compensable injury. After the former employee files the registration form, he or she should advise the agency of any significant changes to the information in the form.

Time Limit for Processing Registration. The agency must register an eligible employee on the RPL within 10 days of having timely received a registration form. If the agency finds it did not meet the 10-day time limit, the agency must review its appointments to determine whether corrective action is appropriate, as covered in Section E of this Appendix.

Section G: *Employee Consideration Based on RIF*

Grade Limits-General. An employee who is eligible for the RPL on the basis of either a specific RIF notice of separation or a CES is registered on the RPL for positions with a representative rate no higher than the rate of the position the employee held when the employee was separated, or will be separated, unless the employee was previously downgraded by RIF. An employee who was downgraded by RIF in one or more prior actions, and who has now received a notice of separation from a lower-graded position in another RIF, is placed on the RPL for positions with a representative rate no higher than the highest rate of the former position(s) the employee held when downgraded.

Promotion Potential. The position offered through the RPL may not have any greater promotion potential than the position the employee held at the time of separation from the service, unless the employee was previously downgraded by RIF.

Work Schedule. An agency must consider an employee who is eligible for the RPL on the basis of a RIF separation notice only for positions with the same category of work schedule (full-time, part-time, intermittent, or seasonal) that the employee holds on the date of separation from the service because of a prior RIF.

At its option, an agency may allow an employee eligible for the RPL to also register for positions having a different work schedule from the position that is the basis for the employee's RIF separation notice or a CES.

Local Commuting Area-General. Except as described below in "Local Commuting Area and Agency Placement Program," an employee who is eligible for the RPL on the basis of a RIF separation notice or a CES is entered on the RPL only for the local commuting area of the employee's position. Apart from the two exceptions (i.e., when a transfer of function takes place or for positions in Alaska or overseas), an agency has no authority to register an employee who is eligible because of a RIF separation notice on a RPL in a different local commuting area.

The RPL covers all components of the agency in a local commuting area. However, an employee registering for the RPL may limit coverage to only specified components within the local commuting area.

Local Commuting Area and Agency Placement Program. Through its own internal placement program, an agency may also offer priority placement in a different local commuting area (or areas) to employees eligible for the RPL, provided that the agency has first met its obligation:

1. Under CTAP to place surplus and displaced employees in the different local commuting area: and

2. To provide RPL rights to employees eligible for the RPL in the different commuting area.

Local Commuting Area After a Transfer of Function. An employee who is separated by RIF after a transfer of function is entered on the RPL for the local commuting area of the gaining competitive area that conducted the RIF. There is no authority for the agency to register an employee on a RPL covering the local commuting area of the losing competitive area.

Local Commuting Area-Alaska and Overseas Positions. An employee eligible for the RPL on the basis of a RIF separation notice or a CES from a position in Alaska or overseas is also entered on the RPL only for the local commuting area of the employee's former position, except as described below. An employee who leaves a local commuting area in Alaska or overseas that is covered by the employee's RIF separation notice or a CES may submit a written request for registration on the RPL applicable to:

- The local commuting area where the employee worked immediately before the Alaskan or overseas service; or
- Another local commuting area within the United States that is mutually acceptable to the agency and the employee.

An employee serving under an agency's specific program for rotating certain employees between the United States and overseas may register for the RPL in one other local commuting area in the United States that is acceptable to both the agency and the employee if the employee's total overseas service would exceed the maximum allowed under the agency's program. This option is available if the employee's total service or residence immediately preceding the RIF separation notice or CES, when added to projected additional overseas service or residence, would exceed the agency's total allowable overseas service or residence.

Section H: *Employee Consideration Based on Injury Compensation*

Consideration for Same Position. A former employee who is eligible for the agency's RPL on the basis of a compensable injury is placed on the RPL for the employee's former position, or an equivalent position (i.e., a position with the same representative rate as the employee's former position). An employee who was downgraded by RIF in one or more prior actions, and who has now received a notice of separation from a lower-graded position in another RIF, is placed on the RPL for positions with a representative rate no higher than the highest rate of the former position(s) the employee held when downgraded.

Local Commuting Area-General. An employee eligible for the RPL on the basis of a compensable injury is entered on the RPL for the local commuting area of the position last held by the employee.

Consideration of Additional Local Commuting Areas. An employee who is eligible for the RPL on the basis of a compensable injury, but whom the agency is unable to reinstate in a position in the employee's former local commuting area, is entitled to priority consideration for an equivalent position elsewhere in the agency at the time, and in a manner, as the agency determines will provide the individual with maximum opportunities for consideration. The expanded search for a position may include registering the former employee on the RPL for one or more additional local commuting areas.

The expanded search for a position may also include:

- Registering the former employee in another placement program administered by the agency; or
- Referring the former employee for consideration by other locations within the agency.

A former employee who is eligible for the RPL based on a compensable injury may decline expanded consideration for positions in other locations, even though the agency is unable to reinstate the employee to his or her former (or an equivalent) position in the former local commuting area. Instead, the former employee may request consideration for another position in the local commuting area.

Section I: *Restrictions on Filling Positions*

General Coverage of the RPL. Apart from the exceptions described below in this section, the agency must refer to its applicable RPL before filling a competitive service position with an individual who is not presently employed by the agency.

Permanent and Nonpermanent Competitive Positions. The RPL includes competitive service vacancies filled by permanent or nonstatus appointment (e.g., term or temporary).

Grade Level. The agency must clear the RPL only at the grade level at which it fills the position, regardless of the position's full performance level. If the agency advertises a position at multiple grade levels, the agency must clear the RPL only at the grade level at which the agency fills the position.

Private-Sector Temporaries. The RPL covers the use of private-sector temporaries hired under authority of part 300, subpart E, of title 5, Code of Federal Regulations. The agency must clear the RPL before contracting with a private-sector company under that authority.

Later RPL Registrants After Agency Commits a Position. After the agency has cleared the RPL and made a final hiring commitment to an individual who is not registered on the

RPL, the subsequent registration of another employee on the RPL does not block the agency's commitment to hire the employee from outside the agency.

New Appointment. The agency may not make a final employment commitment to an individual who is not listed on the RPL, and fill a permanent or temporary competitive service position by a new appointment, unless the individual appointed is a qualified 10-point veterans' preference eligible.

Delegated Hiring Authority. The RPL covers a competitive service position filled by an appointment under a direct-hire authority, or an examining authority delegated by OPM (5 CFR part 330, subpart B).

Transfer or Reinstatement. The agency may not make a final employment commitment to an individual who is not registered on the RPL, and fill a competitive service position by transfer or reinstatement, unless the individual is:

- A preference eligible;
- Exercising restoration rights based on service in the Armed Forces, or recovery within 1 year from a compensable injury or disability; or
- Exercising other statutory or regulatory reemployment rights.

Internal Placement Action. Subject to the requirements of CTAP, first filling vacancies with surplus or displaced employees, an agency may fill a vacant competitive service position without regard to the RPL when the agency offers the vacancy to a current, qualified employee as:

1. A detail or a position change (including promotion, demotion, and reassignment);
2. A conversion to a competitive service appointment of an employee serving under an appointment with eligibility for noncompetitive conversion (e.g., conversion of an employee serving under a Veterans Recruitment Appointment, under an appointment for 30 percent or more disabled veterans, under a Schedule A appointment for persons with disabilities, under a Presidential Management Fellow appointment, or under a Schedule B Student Career Experience Program appointment);
3. A reappointment by temporary appointment of 1 year or less, without a break in service, to the same position currently held by an employee serving under a temporary appointment of 1 year or less; or
4. An extension of an employee's temporary appointment for the maximum period authorized by the appointment authority, or as authorized by OPM.

Special Appointment Action. An agency may fill a vacant competitive service position through a 30-day special needs temporary appointment without regard to the RPL

Exception to the Regular Order of Selection. An agency may fill a vacant competitive service position without regard to the RPL when the agency makes an exception to the regular order of selection from the RPL. See Section M of this Appendix for additional information on exceptions to the regular RPL order of selection.

Section J: *RPL Selections-General*

Choice of Two Selection Procedures. An agency has two methods for selecting employees from its RPL:

- Retention Standing Order, which is covered in Section K of this Appendix; or
- Rating and Ranking Order, which is covered in Section L.

Options in Setting Selection Procedure. In setting its selection procedure from the RPL, the agency may adopt the same agency-wide procedure for all RPLs administered by the agency, or allow components in different local commuting areas to decide which of the two selection procedures is used for the RPL.

Options in Modifying Selection Procedure. After the agency adopts one of the two selection methods for its RPL in a designated local commuting area, the agency must use that method in filling all positions. The agency may subsequently change the selection procedure from the RPL method that it adopted for a local commuting area.

The agency may not vary the RPL selection procedures by individual vacancy. This means that the agency may not use different selection procedures on the basis of individual vacant positions, appointment considerations, potential pool of candidates, or other similar factors.

Section K: *Selection from the RPL-Retention Standing Order Procedure*

Retention Standing Order Procedure. The first of the two procedures available for agencies to select registrants for vacancies to be filled from the RPL uses the RIF retention standing of the eligible employees. For each vacancy to be filled using the RPL, the agency places registrants in their RIF retention group and subgroup order in accordance with the RIF regulations.

Tenure Group. In making a selection using the order of retention standing, the agency must select employees in RIF tenure group order. This means that the agency must select all qualified employees in tenure group I before selecting an employee in tenure group II.

Competitive service tenure group I includes career employees who are not serving on probation. A new supervisor or manager who is serving a probationary period that is required on initial appointment to that type of position is not considered to be serving on probation if the employee previously completed a probationary period. Competitive service tenure group II includes career employees who are serving a probationary period, and career-conditional employees.

Tenure Subgroup. Within a retention tenure group, the agency must select employees in RIF tenure group and subgroup order. This means that the agency must select all qualified employees in subgroup AD before selecting an employee in subgroup A, and all qualified employees in subgroup A before selecting an employee in subgroup B. Subgroup AD includes RIF preference eligibles with a compensable service-connected disability of 30 percent or more. Subgroup A includes RIF preference eligibles not eligible for subgroup AD. Subgroup B includes nonveterans and others not eligible for subgroups AD and A.

Service Date Is Not Used. Within a retention group and subgroup, the agency may select any individual registered on the RPL without regard to the employees' relative RIF service computation dates.

No Specific Priority For Employee's Prior Position. If the agency adopts the Retention Standing Order of selecting employees from the RPL, the agency may make an exception to this selection order only in accordance with the provisions covered in Section M of this Appendix. .

Section L: *Selection from the RPL-Rating and Ranking Order Procedure*

Rating and Ranking Order Procedure. The second of the two procedures available for agencies to select registrants for vacancies to be filled from the RPL uses the rating and ranking order of the eligible registrants. For each vacancy to be filled using the RPL, the agency rates registrants according to their experience and education, using job-related evaluation procedures capable of distinguishing differences among the employees' qualifications, which the agency measures and applies in a fair and consistent manner.

Assigning Employees Numerical Scores. Based on the rating of employees' experience and education described in the preceding paragraph, the agency assigns each qualified registrant a score between 70 and 100, and then adds:

- Five additional points to this score for a registrant entitled to veterans' preference as a nondisabled veteran; or
- Ten additional points to this score for a registrant entitled to veterans' preference under 5 U.S.C. 2108(3)(C) through (G) as a disabled veteran, or based on derived preference.

See OPM's *VetGuide* at <http://www.opm.gov/veterans/html/vetguide.asp> for information on eligibility for veterans' preference in Federal employment.

Ranking Employees' Numerical Scores. After assigning registrants a numerical score as covered in the paragraph above, the agency ranks registrants based on their scores in the following order by:

1. Listing, in the order of their total rating scores, employees with 10-point veterans' preference eligibility because of a service-connected compensable disability of 10 percent or more, except when the position being filled is a professional position at or above grade GS-9 (or equivalent);
2. Listing all other registrants in the order of their total scores:
 - Registrants entitled to 10-point veterans' preference are listed first at each score;
 - Registrants entitled to 5-point veterans' preference are listed second at each score; and
 - Registrants not entitled to veterans' preference are listed at each score.

The agency must make its selection for the vacancy from among the three highest-rated registrants who are available for the position.

Exception to the Order of Selection. If the agency adopts the Rating and Ranking Order of selecting registrants from the RPL, the agency may make an exception to the selection order, and pass over a registrant who is eligible for veterans' preference to select a registrant who is not eligible for veterans' preference, only in accordance with Section M below.

Section M: *Exceptions to the Regular Order of Selection*

Undue Interruption Exception. An agency may make an exception to either of the two regular orders of selection from the RPL covered in Sections K and L of this Appendix only if the agency finds that the exception is necessary to obtain an employee for duties that cannot be taken over without undue interruption to the agency by an employee who is on the RPL, or has higher standing on the RPL than another registrant on the RPL whom the agency wishes to place in the position.

Agency Options. When using an exception to the regular order of selection from the RPL, the agency may:

- Appoint an individual who is not on the RPL;

- Appoint a registrant on the RPL who has lower standing than another employee on the RPL; or
- Pass over a registrant on the RPL who is eligible for veterans' preference in order to select an employee who is not eligible for veterans' preference.

Limitation on Use of Exceptions. An agency may not make an exception to the regular order of selection from the RPL on the basis that the registrant with the higher retention standing on the RPL is not as well qualified as another candidate for the vacancy.

Documenting Exceptions. When an agency makes an exception to the regular order of selection to the RPL, the agency must notify, in writing, each registrant on the RPL who is adversely affected by the exception, including the reasons for the exception and the right of the registrant to appeal the exception to MSPB.

Section N: *Qualifications for Selection*

General Requirements. An employee registered on the RPL is considered qualified for selection from the RPL for a vacancy if the registrant meets:

- All OPM-established qualification standards and requirements for the position, including any minimum educational requirement;
- All selective placement factors established by the agency;
- All medical and physical qualifications, with reasonable accommodation where appropriate, to perform the duties of the position;
- Any special qualifying conditions that OPM has approved for the position; and
- Any other applicable requirements for appointment to the competitive service.

The agency may not consider the employee's gender in determining qualifications without approval by OPM.

Exception to Qualifications. An agency, at its option, may make an exception to the qualification standard covered above, and adopt an alternative qualification standard for a position if:

- The agency applies the exception consistently and equitably in filling a position;
- The registrant meets any minimum educational requirements for the position; and

- The agency determines that a registrant found qualified under the exception has the capacity, adaptability, and special skills needed to satisfactorily perform the duties and responsibilities of the position.

When a registrant's qualifications for a position are an issue in an RPL appeal filed with MSPB, the general standard described above applies.

No Waiver of Selection Order. In adopting an alternative qualification standard described above, an agency may not waive the order of selection for either the Retention Standing Order of selection from the RPL, or the Rating and Ranking Order of selection from the RPL.

Section O: *Alternative Agency Placement Programs*

Agency Option To Establish RPL Alternative. At its option, an agency may establish its own placement program as an alternative to the RPL. A placement program established by an agency as an alternative to the RPL still must meet the basic requirements of OPM's regulations on the RPL (including veterans' preference for eligible registrants). If the agency implements an alternative placement program, many of the other regulatory requirements covering the RPL are not applicable.

OPM Approval Required. An agency wishing to establish a placement program as an alternative to the RPL should send the request to:

Associate Director
 Human Capital Leadership and Merit System Accountability Division
 U.S. Office of Personnel Management
 1900 E Street NW, Room 7470
 Washington, DC 20415

In its request to OPM, the agency should provide complete information on its proposed alternative placement program. To expedite processing, the agency also should fax the request to the appropriate OPM Human Capital Desk Officer at 202-606-1798.

Section P: *RPL Appeals and Grievances*

Right to Appeal. An eligible current or former employee may appeal to MSPB if the individual believes the agency violated RPL rights by:

- The employment of another person who otherwise could not have been appointed properly;
- An exception to the order of selection from the RPL; or

- The denial of the individual's request for reemployment after injury compensation ceases.

The individual's right to appeal an RPL issue also applies where an agency operates an approved alternative placement program covered in Section O above.

Agency Notice of Appeal Rights. An agency is required to advise eligible employees about the RPL when it issues a RIF notice of separation. The notice of employees' rights under the RPL must include information about appeal rights and the appeals process. An agency is also required to advise eligible employees about the right to file an RPL appeal when the agency uses an exception to the RPL in filling a position from outside of the agency.

Agency Notice of How to Appeal. When an agency issues a decision notice to an employee on a matter appealable to MSPB, the agency must provide the employee with the following information:

1. Notice of the time limits for appealing to MSPB;
2. Any applicable limits on the employee's right to file an appeal because of a bargaining agreement and notice of any applicable right of the employee to file a grievance;
3. If (2) is applicable, the right of the employee to elect whether to file an appeal to MSPB based on discrimination in lieu of a grievance;
4. The address of the appropriate MSPB office where the employee should file the appeal;
5. A copy, or access to a copy, of MSPB's regulations found in 5 CFR part 1201; and
6. A copy of the appeal form found in 5 CFR part 1201-Appendix I of MSPB's regulations.

MSPB's complete appeals regulations, forms and procedures are available on its website at www.mspb.gov.

Section Q: *Corrective Action*

MSPB Finds RPL Error. MSPB may order a retroactive remedy if it finds that an agency violated the letter or the spirit of OPM's RPL regulations. See Section P of this Appendix for information on RPL appeals.

Agency Finds RPL Error. If an agency finds on its own initiative that it filled a position without regard to the RPL, the agency may find that corrective action is appropriate, which may include accepting a completed application even if more than 30 calendar days elapsed since the employee was separated by RIF, and/or reviewing agency appointments to determine whether other corrective action is appropriate.

Appendix O: Interagency Career Transition Assistance Plan (ICTAP)

Section A: Other Qualifying Conditions for Eligibility

General Eligibility Conditions. To be eligible for selection priority under ICTAP, a displaced employee must meet all of the conditions covered in (1) through (6) below. The employee must:

1. Have a current performance rating of Level III or higher (Fully Successful or equivalent) (this requirement does not apply to employees in positions excluded from a performance appraisal system by law, regulation or OPM administrative action, or to an employee eligible for ICTAP because of compensable injury or disability annuity, including a special disability retirement benefit paid to a military reserve or National Guard technician);
2. Apply for a vacancy that is at or below the grade level of the position from which the employee may be or is being separated and has no greater promotion potential than that position, based upon the employee's position of record at the time of separation.
3. Occupy a position located in the same local commuting area as the vacancy;
4. File an application for a specific vacancy within the time frames established by the hiring agency;
5. Provide proof of eligibility for selection priority under CTAP (see Appendix B, Section H); and
6. Be well-qualified (as determined by the agency) for that specific vacancy (see Chapter IV, Section B).

Section B: Beginning Date of Eligibility

Qualifying Notices. A displaced employee is eligible for selection priority under ICTAP beginning with the date:

1. The individual receives a specific notice of separation by RIF;
2. The individual receives a written notice of proposed removal (including a final decision) by adverse action for declining a directed reassignment, transfer of function, or other similar relocation outside the employee's present local commuting area;

3. The agency certifies that it cannot place an individual who was separated because of compensable injury or illness, and whose compensation has been terminated; or
4. An individual who is receiving a disability annuity under CSRS or FERS (including a special disability retirement benefit paid to a military reserve or National Guard technician) is notified that the annuity has been or will be terminated.

Section C: *Ending Date of Eligibility*

RIF Separation Notice. ICTAP selection priority expires 1 year following the date of separation by RIF. A displaced employee is no longer eligible for ICTAP selection priority, beginning with the date the agency cancels the employee's specific notice of separation by RIF.

Removal for Declining Relocation. ICTAP selection priority expires 1 year from the date the employee is removed by adverse action for declining a directed reassignment, transfer of function, change of duty station, or other similar relocation outside the employee's present local commuting area.

Cancellation of Notice. ICTAP selection priority expires beginning with the date the agency cancels the employee's proposed or final notice of removal by adverse action for declining a directed reassignment, transfer of function, or other similar relocation outside the employee's present local commuting area.

Agency Failure to Restore from Injury Compensation. Selection priority under ICTAP expires 1 year from the date the agency certifies that it cannot place an individual separated because of compensable injury or illness, and whose compensation has been terminated.

Termination of Disability Annuity. Selection priority under ICTAP expires 1 year from the date an individual receiving a disability annuity is notified that the annuity has been or will be terminated.

Acceptance of Another Position. Selection priority under ICTAP expires the day before the individual receives a career, career-conditional, or excepted appointment without time limit, in any agency and at any grade level.

Entitlement to selection priority ends even if the employee accepts a term or temporary position in any agency before involuntary separation because the employee no longer meets the definition of a displaced employee. An employee who accepts a time-limited position after involuntary separation retains eligibility for selection priority under the Plan for 1 year from the date of involuntary separation.

Voluntary Separation. A displaced employee's eligibility for selection priority under ICTAP ends on the date the individual voluntarily separates from the agency by resignation, retirement under authority other than DSR, or other reason.

Commitment to Voluntarily Separate. A displaced employee loses eligibility for selection priority under ICTAP if the employee makes a commitment to separate voluntarily from the agency. For example, a displaced employee is no longer eligible for selection priority under ICTAP after the agency accepts the employee's application to voluntarily retire or resign from the agency. This includes a voluntary retirement or resignation when the employee and the agency enter into a voluntary separation agreement in exchange for a Voluntary Separation Incentive Payment (VSIP, also known as a "buyout").

Declination of Permanent Position. At the agency's option, a displaced employee is no longer eligible for selection priority under ICTAP from the date the individual declines a career, career-conditional, or excepted appointment without time limit, for which the individual has both applied and been rated well-qualified.

Failure to Respond to Inquiry. At the agency's option, a displaced employee is not eligible for selection priority under ICTAP from the date determined by the agency when the individual fails to respond within a reasonable period of time to an offer of a position, or an official inquiry of availability for a position.

Preference Eligible Separated from Restricted Position Because of A-76 Contracting Out. A preference eligible employee who is separated from a restricted position by RIF under the RIF regulations because of Office of Management and Budget (OMB) Circular A-76 contracting out has interagency selection priority under ICTAP for 2 years following separation from the restricted position.

Section D: Notification Requirements

Orientation Session. Agencies must actively provide placement assistance to displaced and surplus employees through their overall CTAP. An individual agency's specific OPM-approved plan includes the agency's policies to provide career transition services to all surplus and displaced agency employees affected by downsizing or restructuring. This includes a requirement that the agency provide a specific orientation session for surplus and displaced employees on the use of career transition services, and the eligibility requirements for selection priority under both the CTAP and ICTAP. The orientation session must include information on how eligible employees apply for vacancies under both CTAP and ICTAP.

Notification of CTAP. At the time an agency issues a specific notice of separation by RIF, or by adverse action procedures for declining relocation to a position in a different local commuting area, the agency must give each of its eligible employees information in writing about the special selection priority available to them under the agency's CTAP.

This information must contain guidance to the employee on how to apply for vacancies under CTAP and what documentation is generally required as proof of eligibility.

The agency must provide the same information to each employee who has received a Certification of Expected Separation (CES), or other official agency certification that identifies an employee as being likely to be separated by RIF or other involuntary action not for cause.

Notification of ICTAP. At the time the agency issues a specific notice of separation by RIF, or a notice of proposed removal by adverse action procedures for declining relocation to a position in a different local commuting area, the agency must give each of its eligible employees information in writing about the special selection priority available to them under the ICTAP. This information must contain guidance to the employee on how to apply for vacancies under the ICTAP and what documentation the employee needs as proof of eligibility for selection priority.

Notification of Qualification Requirements. A hiring agency must take reasonable steps to ensure that a displaced employee eligible under ICTAP is notified of what is required to be found well-qualified for a vacancy. After an agency has announced a vacancy to ICTAP eligibles, the agency is not required to re-announce the position before making additional selections if the announcement stated the agency may fill more than one vacancy from the applicant pool established by the announcement.

Notification of Qualifications Determination. Each agency is required to advise, in writing, candidates under ICTAP who apply for specific vacancies within the local commuting area of the results of their application, and whether they were found well-qualified for a vacancy.

If the agency finds a candidate is not well-qualified, the notice to the candidate must include information on the results of an independent, second review conducted by the agency. The agency must ensure that a documented, independent second review is conducted whenever the agency finds an otherwise eligible employee not well-qualified. The agency must also advise the applicant in writing of the results of the second review.

If the agency finds that a candidate is well-qualified, but the agency selected another well-qualified displaced candidate for the vacancy, the agency must advise the candidate who was not selected of this action.

Section E: Order of Selection

Specific Order of Selection. When filling a vacancy, the agency must select a displaced employee who is eligible for ICTAP selection priority before selecting any other candidate for the vacancy from outside the agency. When filling a vacancy from outside the agency's permanent competitive service workforce, the agency must use the following order of selection:

1. First in the order of selection—current or former employees of the agency who are registered under the agency's RPL;
2. Second in the order of selection and under appropriate selection procedures—at the agency's option, any other former employee who was displaced from the agency;
3. Third in the order of selection—current or former Federal employees who were displaced from other agencies and are eligible for selection priority under ICTAP;
4. Fourth and last in the order of selection and under appropriate selection procedures—at the agency's option, any other candidate for the vacancy.

Covered Actions. The following actions are covered by ICTAP and are subject to the order of selection above:

1. Competitive appointments to the Federal service from registers or delegated examining authority (this also includes a new competitive service appointment for an employee already on the agency's rolls);
2. Noncompetitive appointments to the competitive service;
3. Movement of personnel between agencies, except when the movement is a permitted exception and results from the noncompetitive movement of displaced employees between agencies as the result of a reorganization, transfer of function, mass transfer, or similar action under appropriate authority;
4. Reinstatement actions, except when the agency, at its option, elects to reinstate any other former employee who was displaced from the agency; and
5. Time-limited competitive service appointments of 121 days or more, including all extensions, except as provided as an authorized exception for extensions of certain temporary or term appointments up to the full period allowed.

Temporary Help Services. When filling a vacancy, the agency must select a surplus or displaced employee who is eligible for selection priority under CTAP or ICTAP before procuring temporary help services.

Section F: Exceptions to the ICTAP Special Selection Priority

ICTAP selection priority does not apply to the following actions:

- CTAP Selections;
- Selections from a Reemployment Priority List;
- Appointments of 10-Point Preference Eligibles (See *Vet Guide* on the OPM website at www.opm.gov for information on veterans' preference issues);
- Reemployment of Former Agency Employees Who Have Regulatory or Statutory Reemployment Rights (including the reemployment of injured workers who have either been restored to earning capacity by the Department of Labor's Office of Workers Compensation Programs (OWCP), or who have received a notice that their compensation benefits will cease because of recovery from the disabling injury or illness);
- Temporary Appointments of Less Than 121 Days;
- Placements from RIF and Transfer-of-Function Actions;
- Filling Positions in the Excepted Service (including appointments to positions (such as Schedule A attorneys) which can be filled only through excepted service appointments, as well as excepted service appointments to competitive service positions (such as appointments of persons with disabilities or those eligible for Veterans Recruitment Appointments);
- Noncompetitive Conversion from Excepted Service Positions (e.g., a Veterans Recruitment Appointment to a career-conditional appointment);
- Noncompetitive Movement of Employees Between Agencies Resulting From Interagency Reorganization, Interagency Transfer of Function, Interagency Mass Transfer, Interagency Realignment, or Similar Interagency Action (An interagency transfer of a function or involuntary permanent movement of personnel can be carried out only with the specific authorization of Congress. See Chapter IV for information on transfer of function);
- Reemployment Under a Trial Retirement Program;
- Actions Taken Pursuant to the Settlement of a Dispute (e.g., a formal complaint, grievance, appeal, or other litigation. This exception does not apply to actions taken to resolve informal complaints);
- Extension of Temporary or Term Appointments up to the Full Period if Allowed , unless the original vacancy announcement specified that the position is open to displaced employees eligible under ICTAP and that an employee has a right to selection priority if the agency finds the individual well-qualified for the vacancy (the original announcement must have stated that an extension of the appointment is possible without further announcement);
- Reappointment to Special Skills Positions (i.e., reappointment of former agency employees to hard-to-fill positions, the duties of which require unique skills and experience necessary to conduct a formal skills-based training program for the agency. This exception includes extensions to the 2- or 4-year limit allowed for temporary and term appointments, respectively, that OPM may grant);

- Public or Private Enterprise That Becomes Federal Function (i.e., the retention of an individual whose position is brought into the competitive service, and subsequently converted to a career or career-conditional competitive service appointment, following the assumption by the Federal Government of a public or private enterprise);
- Excepted Positions Brought into the Federal Service (i.e., the retention of an individual whose position is brought from the excepted service into the competitive service, and subsequently converted to a career or career-conditional competitive service appointment. This exception includes the movement of an excepted service position into the competitive service, and the conversion of the incumbent to a competitive service appointment);
- Retention of Individuals Covered by a Variation of OPM Regulations (5 CFR 5.1);
- Guaranteed Placement of SES Member to a Position in Another Personnel System (including the agency's return of an SES member to the employee's former position (or an equivalent position) when the senior executive's limited appointment is terminated for reasons other than misconduct, neglect of duty, or malfeasance);
- Interagency Details;
- Interagency Job Swaps (i.e., a job swap to avoid involuntary separations, under a specific job swap plan approved by OPM. This exception does not apply to an individual arrangement to exchange jobs initiated by employees and/or managers for other reasons, such as personal desire to relocate);
- Transfer of ICTAP-Eligible Employee, provided that the position to which the individual is transferring must not have any greater promotion potential than the position that the individual currently holds, or last held in the competitive service. Also, the employee must not have been separated from the last position for performance or conduct reasons;
- Reinstatement of ICTAP-Eligible Employee, provided that the position to which the individual is reinstated must not have any greater promotion potential than the position the individual last held in the competitive service. Also, the employee must not have been separated from the last position for performance or conduct reasons;
- Voluntary Transfer Under Memorandum or Agreement (e.g., an interagency training program where several agencies cooperate to create a centralized training program. One agency appoints and trains the employees, who are transferred to the rolls of one of the participating agencies after they complete the program. This exception does not apply to an individual arrangement to exchange jobs initiated by employees and/or managers for other reasons, such as personal desire to relocate);
- Appointment to Positions Restricted to Veterans under section 3310 of title 5, United States Code.

Section G: Reporting Vacancies to OPM

Reporting Requirement. Agencies must report all competitive service vacancies to OPM when an agency accepts applications from candidates outside the agency, except when the agency elects to fill a position by the transfer or reassignment from another agency of a candidate eligible under ICTAP.

- The requirement to report vacancies to OPM includes temporary positions lasting 121 or more days.
- The announcement must specifically include the agency’s definition of “well-qualified” and information on how applicants eligible for ICTAP may apply for the position.
- The grade level(s) of the announcement must include the grade level at which the job is ultimately filled.
- After an agency has announced a vacancy to individuals eligible under ICTAP, the agency is not required to re-announce the position before making additional selections if the announcement stated that the agency may fill more than one vacancy from the applicant pool established by the announcement.

Report Content-General. Each agency’s notice to OPM of a job announcement must include the position’s title, location, pay plan and grade (or pay rate), the deadline for applications, and other information specified by OPM.

Report Content-Electronic File. In addition to the general requirement above, agencies are required to provide OPM with an electronic file for all positions reported of the complete job announcement or recruiting bulletin, which must contain:

1. The title, series, pay plan, and grade (or pay rate) of the position(s);
2. The duty location of position(s);
3. The opening and closing dates of the job announcement or recruiting bulletin, plus any other information dealing with how application receipt will be controlled, such as the use of early cut-off dates;
4. The name of the agency that issued the job announcement or recruiting bulletin, and the applicable announcement number;
5. The qualification requirements for the job, including knowledge, skills, and abilities;
6. The entrance pay for the job;
7. A brief description of duties for the job;

8. The basis for the agency to rate candidates for the job;
9. What the candidate should file when applying for the job;
10. Instructions on how the candidate may apply for the job;
11. Information on how the candidate may claim veterans' preference (if applicable) in applying for the job;
12. Information concerning the agency's definition of "well-qualified," and information on how candidates under CTAP and/or under ICTAP may apply for the vacancy, including proof of eligibility required;
13. An Equal Employment Opportunity statement; and
14. A reasonable accommodation statement.

Additional Selections From Vacancy Announcement. After an agency has announced a vacancy to potential ICTAP eligible employees, the agency is not required to re-announce the position before making additional selections if the announcement stated that the agency may fill more than one vacancy from the applicant pool established by the announcement.

Section H: *Application for Vacancies*

Application Procedures. In order for an eligible employee to receive special selection priority under ICTAP, the individual must:

1. Apply for a specific vacancy in the same local commuting area as the employee's present (or last) position; and
2. Attach the appropriate proof of eligibility.

The individual must apply for the vacancy and submit all required forms or documents, including proof of eligibility, within the time frames set by the hiring agency. The individual is eligible for selection priority under ICTAP only if the hiring agency finds that the applicant is well-qualified for that vacancy. An ICTAP applicant who is not well-qualified, but is otherwise eligible and qualified for the job, should be considered with other merit promotion applicants under the agency's merit promotion plan.

Status of Application After ICTAP Eligibility Expires. Once the employee's eligibility under ICTAP expires, the employee continues to receive selection priority for that vacancy, as long as the employee was eligible when the announcement closed.

Section I: *Proof of Eligibility*

The following are acceptable forms of proof of eligibility for ICTAP Special Selection Priority:

- RIF Separation Notice. A copy of a personnel action (i.e., a completed Standard Form (SF) 50, “Notification of Personnel Action”) showing separation by RIF;
- Proposed Removal Notice after Declining Relocation. A notice of proposed removal by adverse action for declining a directed reassignment, transfer of function, or other similar relocation outside the employee’s present local commuting area. (The initial reassignment notice, and/or the employee’s declination of the reassignment, are not proof of eligibility for ICTAP);
- Documentation of Removal after Declining Relocation. Documentation of adverse action separation for declining a directed reassignment, transfer of function, or other similar relocation outside the employee’s present local commuting area. (The documentation that an individual uses to establish eligibility for the ICTAP includes a completed SF-50);
- Certification of Agency’s Inability to Place Employee Separated Because of Compensable Injury. An official certification from an agency stating that it cannot place an individual whose injury compensation has been terminated, or is now being terminated;
- OPM Notification of Termination of Disability Annuity (i.e., notification that an individual’s disability annuity has been, or is being, terminated);
- Documentation of Retirement on RIF Effective Date. An eligible employee may provide a copy of a specific notice of separation by reduction in force, and documentation that the individual subsequently retired on the effective date of the RIF;
- Documentation of Discontinued Service Retirement After Receiving RIF Separation Notice. An employee who retires under the discontinued service retirement option after receiving only a notice of position abolishment and not a specific RIF separation notice is not considered a displaced employee and is not eligible for ICTAP;
- Disabled Reserve or National Guard Technician. An official notification from a military department or the National Guard Bureau that a former Military Reserve Technician, or a former National Guard Technician, is now receiving a special disability CSRS or FERS retirement annuity from OPM.

Section J: Agency Selections for Vacancies

Overall Order of Selection. In making selections for a vacancy from among candidates with selection priority under ICTAP, the agency must first follow the overall order of selection covered in Sections E and F above.

One Eligible Employee. An agency may not select another candidate from outside the agency's competitive service workforce for a vacancy if the agency has an available ICTAP eligible employee who is well-qualified for the vacancy.

Two or More Eligible Employees. If two or more ICTAP eligible employees apply for a vacancy, the agency may select any of these eligible employees for the vacancy. The agency must provide a written notice to any ICTAP eligible employee who is not selected.

No Eligible Employees Apply. If no eligible employees apply for a vacancy, the agency may select another candidate from outside the agency's competitive service workforce without regard to ICTAP.

No Well-Qualified Employees Apply. If the agency finds none of the applicants for a vacancy are ICTAP-eligible employees because none of the applicants are well-qualified, the agency may select another candidate from outside the agency's competitive service workforce without regard to ICTAP.

Selecting Current or Former Employees in Same Agency. An agency may select a candidate without regard to ICTAP if the selection is made from the agency's:

- RPL;
- CTAP; or
- Other current competitive service employees.

Section K: OPM Oversight of ICTAP

OPM Oversight and Review. OPM is responsible for oversight of ICTAP. OPM at any time has the right to conduct reviews of an agency's actions relating to ICTAP. OPM also provides advice and technical assistance to agencies implementing ICTAP.

No Appeal Right to the Merit Systems Protection Board. An employee has no right to appeal an ICTAP issue to the Merit Systems Protection Board (MSPB).

Appendix P: Post RIF Actions

Review the Agency's Planning and Implementation of the RIF. Subject to approval of agency management, the HRO should evaluate and summarize the agency's actions in planning and implementing the RIF. The most useful evaluation and summary includes input from agency management, management officials, supervisors, employees, unions, and the agency's human resources staff (including, for example, input from the core and support RIF teams). The final product should greatly assist implementation of future RIF actions, either in the same or a different agency component. At the option of agency management, the HRO should establish a team to review and summarize the effectiveness of its actions (e.g., possibly including a review of implementation of the RIF, outplacement success, and counseling issues).

Respond to RIF Appeals, Grievances, and Other Third-Party Actions. As needed, the HRO should coordinate with agency management, the agency's legal staff, and possibly with labor relations specialists and line managers in responding to third-party challenges from employees reached for RIF actions.

An employee who is separated or demoted by RIF has a basic right to appeal the action to MSPB. In lieu of the appeal right, some employees have a basic right to file a grievance under an applicable collective bargaining agreement. Other options for an employee reached for a RIF action include filing a complaint with the Office of Special Counsel, and/or under the provisions of the Equal Employment Opportunity Act. The Special Counsel's website at www.osc.gov has information on filing a complaint with that agency. The HRO can provide employees with information on filing an EEO complaint under the same procedures that apply to other issues.

If the agency receives a RIF appeal, grievance, and/or complaint, the agency should first review all applicable procedures, addresses, and time limits for responding to the challenge. The agency should then evaluate the merits of the challenge. This may require the HRO to reconstruct the RIF in order to determine whether the challenge has any merit.

The RIF regulations require an agency to retain all retention registers and related records for at least 1 year from the date the agency issues a specific written RIF notice to an

employee. However, at its option the agency should retain any retention records that are, or may be, subject to an appeal or grievance without regard to the 1-year limit.

Continue Outplacement and Rehiring Initiatives for Displaced Employees. As needed, the HRO and its outplacement team should continue efforts to assist displaced former employees who were separated by the RIF. OPM's CTAP regulations, at 5 CFR part 330, subpart F, require an agency to provide its involuntarily separated employees with access to the agency's career transition services or facilities even after the employee is separated.

The RIF regulations require an agency to provide an employee who receives a RIF notice with a release that allows the agency to forward the employee's résumé and other employment information to potential employers. Consistent with its commitment to provide maximum career transition services, the HRO and its outplacement team should continue to make the displaced employee's résumé available to potential employees even after separation by RIF.

Finally, the HRO is responsible for providing each qualified employee who is separated by RIF with intra-agency selection hiring priority over outside candidates through the agency's RPL. A displaced employee may register for the RPL and immediately receive selection priority from the RPL when the employee receives a RIF notice of separation. If the agency subsequently separates the employee by RIF, a separated career employee is eligible to continue on the RPL for 2 years following registration, while a career-conditional employee has eligibility for 1 year following registration.

Appendix Q: OPM Reimbursable Services

OPM can provide a wide range of reshaping services. OPM's Reshaping Services Program at OPM's Midwest Service Branch can provide information and pricing on reshaping services. Contact OPM's Reshaping Services Program at 816-426-7024, or by e-mail at kansascity@opm.gov.

Reshaping Reimbursable Services Available From OPM. OPM provides the following reimbursable services to agencies involved in reshaping:

- 1. Organizational Transformation Services.** OPM can help an agency restructure and achieve maximum organizational performance through its most important asset, the agency's human capital. Organizational change is managed, but organizational transformations require leadership. OPM can provide an agency's decision-makers with guidance on all the model practices included in WROH Chapter 1. This will facilitate effective organizational change that will readily achieve excellence in performance of the agency's missions. OPM can also serve as an executive coach to align leadership with the goals of the transformation. Organizations using executive coaching find it sends a powerful dual message to the workforce: (1) managers are serious about change, and (2) both managers and non-managers must be prepared to change in a successful reorganization.
- 2. Organizational Consultant.** OPM can act as an organizational consultant for an agency. OPM can propose appropriate solutions and systems consistent with the agency's specific reshaping goals. Solutions include redesign of the agency's organizational structure, design and development of the agency's human resources systems to support the agency's reshaping goals, change management, and competency-related tasks, such as identifying, assessing, and developing competency-based solutions.
- 3. RIF Planning and Implementation.** The RIF process makes the agency responsible for providing employees with their substantive retention rights. OPM can provide on-site technical consultation to the agency's managers, employees, and human resources office. OPM can also assist the agency in implementing the retention regulations. OPM's services may cover the entire process from the planning stage through actual implementation of RIF actions. OPM has expertise in automated systems, database and records management, briefings, assignment right determinations, benefits options, outplacement, and more.
- 4. Results-Based Career Transition Services.** OPM can provide career transition services to meet the agency's organizational goals and the needs of its employees. OPM can provide career counseling directly to employees affected by reshaping actions. OPM has helped many agencies outplace and transition surplus employees into new careers and new educational options. Finally, OPM also has

conducted career and outplacement job fairs. OPM will set up the event, market the session, create skills summaries, and provide additional appropriate services.

5. **Succession Planning.** After reshaping or downsizing, many agencies face a critical shortage of technical expertise and skilled managers when key personnel leave. OPM can provide succession planning services, including development of a succession plan tailored to the needs and goals of an organization, identification of key positions, assessment of critical competencies, selection tools, and training and development plans.
6. **Workforce Retention.** OPM consultants have an excellent track record of working with agencies to identify the underlying organizational issues affecting turnover, and developing solutions that enhance employee satisfaction and retention. There is rarely a single solution to an organization's retention issues. OPM consultants can provide workforce retention strategies from a variety of perspectives, including assessment of organizational climate, the role of management in reducing turnover, selection and assimilation of employees into the organization, employee satisfaction surveys, and employment and workplace flexibilities that enhance retention. In addition, OPM can establish metrics that let an agency monitor and evaluate the effectiveness of retention strategies to ensure they achieve the desired results.