

CHAPTER 14

REDUCTION IN FORCE

14-1. GENERAL.

a. This chapter outlines Fort Bragg's policy and procedures for administering a reduction in force (RIF). It also incorporates important provisions of the Department of Defense Stability of Employment Program for placement of career and career-conditional employees adversely affected by reduction in force.

b. Any RIF will be administered in a manner that will effect the necessary reduction in personnel strength with a minimum of disruption to the organization, and to the individual employees being dislocated. In planning and carrying out a RIF, every effort will be made to maintain the productive efficiency of the work force; provide adequate advance information to employee organizations and the public; assist permanent employees continue their careers with Department of Defense (DOD) activities and assist affected employees in gaining further employment (private or public) when separation becomes necessary.

c. Reduction in force occurs when it is necessary to release an employee from his or her competitive level by separation, demotion, or furlough for more than 30 days, or reassignment requiring displacement when this is caused by lack of work; shortage of funds; insufficient personnel authorizations, reorganization; the exercise of reemployment rights or restoration rights; reclassification of an employee's position due to erosion of duties when such action will take effect after an agency has formally announced a reduction in force in the employee's competitive area and when the reduction in force will take effect within 180 days; or implementation of Commercial Activities (CA) decisions under A-76 studies, in order to covert the function(s) to the Most Efficient Organization (MEO) or to a Contract operation.

14-2. PROCEDURES.

a. Under RIF procedures, employees compete for retention on the basis of four factors specified by law. These factors are:

- (1) Type of appointment (tenure).
- (2) Veteran's preference.

(3) Total length of civilian and creditable military service.

(4) Performance ratings.

b. The competitive area must be defined solely in terms of the agency's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an agency. Over seventy competitive areas have been established for Fort Bragg which cover all activities serviced by the Fort Bragg Civilian Personnel Advisory Center.

c. The competitive level consists of all positions within the competitive area that are in the same grade (or occupational level) and classification series, and which are similar enough in duties, qualification requirements, pay schedules, and working conditions so that an employee in one position may reassign to any of the other positions in the level without undue interruption. A level may consist of only one job when the job is so unique that it is not interchangeable with similar jobs. Positions classified in different series are not placed in the same competitive levels. Separate competitive levels are required for positions in the competitive service and for positions in the excepted service. For excepted service positions, separate levels are established based on different appointment authorities from which positions are filled. In addition, separate competitive levels are required by work schedule (i.e., full-time, part-time, intermittent, seasonal, or on-call basis), for positions filled by employees in a formally designated trainee or developmental program (i.e., upward mobility, career intern), and for positions filled by a supervisor or management official.

d. The retention register is a list of competing employees. Retention registers for each competitive level are established using the four factors discussed previously. Employees are ranked on a retention register in three groups, according to tenure groups as follows:

(1) Group I - Career employees not serving probationary period.

(2) Group II - Career-conditional employees and career employees serving probationary period.

(3) Group III - Employees serving under indefinite appointments, temporary appointments pending establishment of a register, status quo appointments, term appointments, and any other non-status non-temporary appointments.

e. Each of these groups is divided into three subgroups:

(1) AD - Preference eligible employees who have a compensable service-connected disability of 30 percent or more.

(2) A - Preference eligible employees not included in subgroup AD.

(3) B - Non-preference eligible employees.

f. Within each subgroup employees are ranked by "service computation dates" which reflect their total Federal civilian and creditable military service.

g. Employees are entitled to additional service credit (or adjusted service computation dates) based on their three most recent ratings of record received during the four year period prior to the date of issuance of specific reduction-in-force notices. Additional years of service credit are granted by averaging the actual ratings based on the following:

(1) Exceptional - 20 additional years

(2) Highly successful - 16 additional years

(3) Fully successful -12 additional years

Employees who have not received any rating of record during the four-year period shall receive credit for performance based on the modal rating for the summary level pattern that applies to the employees' official position of record at the time of the reduction in force.

h. Employees serving under a specifically limited temporary appointment are not competing employees in reduction in force, and can be terminated at any time with a seven-calendar day written notice. Employees on a temporary promotion or reassignment will be returned to their permanent positions and will compete for retention in that competitive level.

i. Retention registers are available for review by employees and employee representatives.

j. When positions are abolished in a specific competitive level it is necessary to "release from the competitive level" the designated number of employees. Selection of employees to be released from the competitive level begins at the bottom of the retention register; that is, with the employee in the lowest subgroup that has the latest service date. Employees who are not preference eligibles (non-veterans) are released before employees who are preference eligibles (veterans) in each group.

k. Employees released from their competitive level are entitled to a reasonable offer of assignment. There are two types of displacement rights - bumping and retreating - by which an employee can be assigned to a suitable job by displacing another employee. A Group IAD, IA, IB, IIAD, IIA, IIB, IIIAD, or IIIA employee may bump an employee in a position in another competitive level provided he/she is fully qualified for the position; the position is at the same or lower grade than the present position; the position is held by an employee in a lower group or subgroup (e.g., a IA may bump a IB); and the position is no more than three grades (or grade intervals or equivalent) below his current grade level. If an employee's right of assignment cannot be met through bumping, then his/her rights may be met through retreating. In order to retreat, the employee must be in the same retention group and subgroup and have more creditable service (as adjusted by performance ratings) than the employee being displaced. An employee's retreat rights are limited to going back to the same position, or an essentially identical position, formerly held by the released employee as a competing employee in a Federal agency. Employees in subgroups A and B cannot retreat more than three grades (or appropriate grade intervals or equivalent) below their current grade level. Employees in subgroup AD are limited to five grades (or appropriate grade intervals or equivalent) below their current grade level.

l. In addition to assignment by displacement, employees may be placed in a vacant position for which they meet the Office of Personnel Management (OPM) qualification requirements. Employees may also be placed in a vacant position for which they do not meet the minimum OPM qualification requirements when no qualified adversely affected employee is available for placement and assignment. A minimum education requirement prescribed by OPM may not be waived. Based on employees' indicated interest in being considered under waiver of qualifications, he/she will be referred to management for priority consideration, and if selected, will be retrained in the new position.

m. Assignment rights under reduction in force are restricted to positions at the same grade level as the position occupied, or to lower grade level positions. The level is determined by comparison of representative rates of pay which is the fourth step of a General Schedule (GS) position (excluding locality pay) and the second step of a Wage Grade (WG), Wage Leader (WL), or Wage Supervisor (WS) position. Employees are entitled to one proper offer and have no right to choose their assignment. Employees must be physically qualified to perform the duties of the position, unless reasonable accommodations can be made in the new position. A pre-appointment medical examination must be given if the new position requires greater physical demands than the position he/she is currently assigned, or if the duties are of such that a physical deficiency might endanger human life or seriously damage property.

n. A hiring freeze on internal and external recruitment will be instituted on a selective basis at the Commander's direction in order to provide maximum placement opportunities for employees once a reduction in force is announced for a specific competitive area or activity.

o. When reduction in force is contemplated or in process, employees eligible for retirement will be counseled regarding the procedures to obtain retirement estimates and eligibility determination through ABC-C, Fort Riley, KS. In addition, employees who appear eligible for discontinued service retirement will be asked, where appropriate, to consider such action as permitted by OPM regulations. If Voluntary Early Retirement Authority (VERA) is granted by Office of the Secretary of Defense (OSD), Official Personnel Folders (OPF's) of interested employees will be obtained from SECPOC, Fort Benning, GA by the Fort Bragg CPAC for review to determine initial eligibility for VERA. Under no circumstances, however, will coercion or the appearance of coercion be used to influence an employee's decision regarding retirement.

p. Employees identified for separation or reduction in grade under reduction-in-force procedures will be given at least 60 days written notice in an active pay status. Prior to initiating RIF, specific ground rules will be negotiated with Union officials from Local 1770, AFGE. Notices will be specific and will advise employees of all information pertinent to them, such as, their position, status during the notice period, the effective date of the action, the reasons for the action, their rights and benefits, reemployment, and their appeal rights.

q. From the time a reduction in force is announced until it is completed, many personnel actions continue to occur in the

competitive area, which affect the relative retention standing of individual employees. Accordingly, administrative errors or changes in factors which affect an employee's retention standing on or before the end of the 60 calendar day notice period must be taken into account in determining retention standing of the employees. Actions due which must be processed during this period that may affect the retention register include such actions as conversion from career-conditional to career status, conversion of an Excepted Service employee to Competitive Service (i.e., VRA to career-conditional, etc.).

r. When a reduction in force is contemplated, management may decide to reassign employees into existing vacancies. Assignments of this type are not effected under reduction-in-force regulations.

s. Employees who, as a result of reduction in force, are to be separated, will be given individual employment counseling as requested and will be registered in the various out placement programs maintained by OPM, DOD, and the local Reemployment Priority List (RPL). Registration into the DOD Program for Stability of Civilian Employment is mandatory during the notice period for employees scheduled for separation who are eligible for severance pay. Employees who are involuntarily changed to lower grade will be registered in the DOD Retained Grade Program, if otherwise eligible, immediately after the effective date of the reduction in force.

t. The workforce will continuously be informed of the status of any reduction-in-force action, as well as any other related topic of interest. Written notification will be made through special bulletins, articles in the Paraglide, published information papers on retirement eligibility, VERA, VSIP, etc., and will be included on the CPAC Web site for easy access. Additional information on reduction in force and related topics will be provided through scheduled briefings to the workforce, in addition to published documents that can be obtained from the CPAC and Activity Human Resource representatives.