

Overview of the Reduction in Force (RIF) Process

**Human Resources Office
Bureau of Indian Education
Title 5 Positions**

Definition for RIF

- Competitive Area

This is an established geographical and Organizational Limit for a group of employees affected by a Reduction in Force. Specific Competitive Areas have been set up by Department of Interior (5 CFR 351.402).

Definition of RIF Continued

- Competitive Levels

The competitive levels are based on employees official position of record which is based on grade, series, qualifications, duties, and working conditions.

How is a Retention Register Established

- The Retention Register is the ranking of employee in the competitive level. The five factors used Retention Register are:
 - A. Tenure of Employment (Type of Appointment).
 - B. Veteran's Preference
 - C. Length of Service
 - D. Performance Rating (provides additional years of Service 12 to 20 years).
 - E. Indian Preference (Indian and Non-Indian).

How is Retention Register Established

Continued

- The retention register will list the name of the employee in the order of the employee's relative standing. Example the employee with the highest standing is the top of the register and the employee with the lowest standing is at the bottom of the register.

Determining Retention Standing

- Group I includes career employees not serving a probation. Note: a new supervisor or manager who is serving a supervisory probation and is not an initial appointment to a position is not considered to be servicing a probation because the employee has completed a probationary period (5 CFR 351.501).

Determining Retention Standing

- Group II includes career-conditional employees and career employee who are serving a probation because of a new appointment (5 CFR 351.501).
- Group III includes employees serving under term and similar non-status temporary appointments which are time limited (5 CFR 351.501).

RIF Notice

- BIE must give an employee at least a 60 day written notice before any action is taken after being released from a competitive level and after bump or retreat is finalized (5 CFR 351.802).

Sample RIF Notice Reason

Education Line Office
P. O. Box
Albuquerque, NM 87104

Dear Mr.

This is to inform you that it has become necessary to effect a Reduction in Force (RIF) in the competitive area of Albuquerque, New Mexico. This action requires application of the RIF regulations and the issuance of a specific notice of a RIF not less than sixty (60) days prior to the effective date of the action.

As a result of the necessity to affect this RIF, your position has been identified for abolishment. The application of RIF rules and procedures has identified you for release from your competitive level.

RIF Letter Continued

Personal Information

This action is in accordance with RIF rules and procedures. It is based on your retention standing which reflects your Federal service tenure, veteran preference for RIF, creditable service, and the average of your last three performance appraisal ratings of record over a four-year period. Your retention standing is based on the following information:

Position Title, Series, Grade:	Education Specialist, GS-1701-13	
Competitive Area:	Albuquerque, New Mexico	
Competitive Level:	CLC-1701-13	
Tenure/Sub Group:	I - B - I	
Service Computation Date-RIF:	10/28/1958	
Annual Performance Ratings:	2015:	No Rating
	2014:	4
	2013:	4
	2012:	4

Since you have been released from your competitive level, you are being offered a position with a nature of action as reassignment-RIF to the position of Education Specialist (School Improvement), GS-1701-13, with a duty station of Albuquerque, New Mexico. A copy of the position

RIF Notice Continued

Options for Employee

description is provided as Enclosure 1. Should you choose this option (by signing the Page attachment) we will request a waiver of Indian Preference to place you in this position. You would also be required to update your background investigation for Education Specialist (School Improvement). You have other options you can pursue as noted below.

You are (as indicated by an X)

- a. Not eligible for retirement.
- b. Eligible for discontinued service retirement.
- c. Eligible for optional (voluntary) retirement.
- d. Eligible for optional (voluntary) retirement if combined with military time.

Please contact Audrey Duran for further information, and counseling at (505) 563-5451 or at email address: audrey.duran@bie.edu

The following information is applicable:

RIF Notice Continued

Options for Employee

- a. You will be involuntarily separated on Date.
- b. Annual leave to your credit will be paid in lump sum.
- c. You are (as indicated by X):
 - (1) Entitled to severance pay to be paid biweekly up to your total severance pay benefit, which will not exceed 52 weeks. The amount of your severance pay will be documented on your separation SF-50, Notification of Personnel Action. Detailed information regarding severance pay is included in Enclosure 1.
 - (2) Not entitled to receive severance pay as you are eligible for optional retirement or discontinued service retirement.
 - (3) Not entitled to receive severance pay because you are currently receiving military retirement pay.
 - (4) Not entitled to severance pay as you have not been continuously employed as a federal civilian employee for 12 consecutive months under a non-temporary appointment.
 - (5) Not entitled to receive severance pay, as you have been offered a position not lower than three grades of pay levels below your current grade or pay level.

RIF Notice Continued

Appeal Options for Employee

Page 3 – RIF Separation Notice

You have the right to grieve this action through the negotiated grievance procedure. If you choose to file, you must do so in accordance with the grievance procedure in Article 25 of the Negotiated Agreement between the Federation of Indian Service Employees (FISE) and Department of Interior, Bureau of Indian Education (BIE). The grievance must be submitted to Sue Parton, President, FISE. You may mail her at 1218 Lomas Blvd NW, Albuquerque, New Mexico 87102 or call her at (505) 243-4088.

If you believe this action is based on discrimination because of race, color, religion, sex, national origin, age, handicap or sexual orientation, you must contact an EEO counselor to file a complaint not later than 45 days after the effective date of this action. You may contact Deborah Ross, Equal Employment Specialist at (703) 390-6633.

Regulations and records concerning this notice are available for your review at the Office of Human Capital Management (OHCM), Center for Recruitment and Placement, 1011 Indian School Rd. NW, Suite 150, Albuquerque, NM 87104. At your request, specific information may be obtained concerning this matter.

Please acknowledge receipt of this notice by signing and returning the Acknowledgement Form. (Enclosure 4) If you have questions concerning this action, please contact your servicing HR Specialist (Recruitment and Placement).

Sincerely yours,

Human Resources Officer, BIE

Acknowledgement Form

ACKNOWLEDGEMENT FORM

NAME:

NATURE OF ACTION: REASSIGNMENT - RIF

RECEIPT OF THIS NOTICE IS HEREBY ACKNOWLEDGED:

Employee's Signature

Date

Scenario 1

Employee Offered Position Outside the Commuting Area

- a. If the employee accepts the position offer within five (5) calendar days, he/she will be provided information on Permanent Change of Station (PCS) information. The employee must relocate to the new location by the effective date of the RIF.

Scenario 1b

Employee declines move outside the Commuting Area

b. If the employee declines the position offer, he/she will be separated and will be eligible to receive severance pay or retirement, if eligible. The employee is eligible for Career Transition Assistance Plan (CTAP) (Also known as Reemployment Priority) (5 CFR 330).

Scenario 2a

Employee is offered a lower graded Position outside the Commuting Area

- a. If the employee accepts the position offer within five (5) calendar days, he/she will be provided information on PCS. Employee will also be placed on grade and pay retention. The employee will retain his/her grade for 2 years beginning on day the employee is placed in the lower graded position. The employee is entitled to have the retained grade as his/her grade for most pay administration purposes, including entitlement to all wage adjustments, step increases, and premium pay. The employee will be eligible for pay retention at the end of two years (5 CFR 536).

Scenario 2b

Employee declines lower grade position outside the commuting area

- a. If the employee declines the position offer at the lower grade he or she will be separated and will be eligible for severance pay or retirement (if eligible). The employee will be eligible to sign up for DOI Reemployment Priority List also Career Transition Assistance Plan (CTAP) (5 CFR 330).

Scenario 3a

Employee accepts a position at the same grade within the commuting area

- a. If the employee accepts the position offer within five (5) calendar days, he/she will be reassigned to the new position the day after the effective date of the Reduction In Force

Scenario 3b

Employee declines a position offer within the commuting area

b. If the employee declines the position offer, he/she will be separated at the end of the 60 day notice period and will **not** be eligible to receive severance pay. However, if the employee is eligible for retirement, he/she may apply for retirement. Employee is **not** eligible for CTAP if a reasonable offer of employment is declined (CTAP see 5 CFR 330) (Reasonable Offer see 5 CFR 536.104).

Scenario 4 a

Employee offered lower graded position within the commuting area

a. If the employee accepts the offer within five (5) calendar days. He/she will be placed on grade and pay retention. The employee will retain his/her grade for 2 years beginning on day the employee is placed in the lower graded position. The employee is entitled to have the retained grade as his/ her grade for most pay administration purposes, including entitlement to all wage adjustments, step increases, and premium pay. The employee will be eligible for pay retention at the end of two years (5 CFR 536).

Scenario 4 b

Employee Declines a lower graded position within the Commuting Area

b. If the employee declines a reasonable offer at the lower grade he or she will be separated at the end of the 60 day notice period and will **not** be eligible for severance pay. However, if the employee is eligible for retirement, he/she may apply for retirement. The employee is **not** eligible for CTAP if the employee declines a reasonable offer (5 CFR 330.602 and 330.611).

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Scenario 5

Separation

If the employee is not offered a position at the end of the 60 day notice, the employee will be eligible for severance pay. If the employee is eligible for retirement, he/she may apply for retirement. At the end of the 60 days if an employee who is eligible to retire chooses not to retire he/she will be terminated without any benefits. This employee may choose to retire directly with the Office of Personnel Management (OPM) at a later date. Separation with severance pay does not require an election only an acknowledgement that a RIF notice was received by the employee. To qualify for severance pay an employee must have worked for one year (52 weeks) and cannot be eligible for an immediate annuity (retirement). For severance pay information please refer to 5 CFR 550

Annual Leave and Sick Leave

In each of the **Scenarios**, when an employee is separated the balance of Annual Leave will be paid to the employee at their current pay. Unused sick leave is used to determine the number of years and months of service for annuity computation purposes. If the employee is not eligible for retirement, unused sick leave is banked in the event the employee returns to federal service.

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Questions???