ORDER

3350.2C

STAFFING ADJUSTMENTS AND REDUCTION IN FORCE

October 17, 1994

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

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FOREWORD

This order contains policy and procedures for making staff adjustments and planning and conducting reductions in force (RIF).

FAA, like most organizations, experiences changes in workload, technology, consolidations, budget, and the makeup of its work force. Such changes sometimes require a decrease in the numbers of employees in certain installations or occupations. The policies and procedures set forth in this order enable the agency to accomplish work force reductions in an orderly and equitable manner and with the least possible impact.

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Director of Personnel

TABLE OF CONTENTS

CHAPTER 1. GENERAL PROVISIONS

Paragraph Page
1. Purpose....1
2. Distribution....1
3. Cancellation....1
4. Explanation of Changes....1
5. Definitions....2
6. Scope....6
7. Guidelines....6
8. Exclusions....7
9. Authority to Change this Order....7
10.-19. Reserved....7

CHAPTER 2. RESPONSIBILITIES

20. Primary Responsibility....11
21. Approval of Reduction in Force....11
22. Coordinating Responsibilities....13
23. FAA-Wide Action....13
24. Assistance to Officials Having Primary Responsibility....13
25. Program Evaluation....13
26.-29. Reserved....13

CHAPTER 3. PROCEDURES FOR EFFECTING STAFFING REDUCTIONS

30. Planning....15
31. Plan Development....15
32. Voluntary Requests for Reassignment....19
33. Administrative Reassignment....19
34. Priority Placement Consideration....19
35. Exclusions....19
36. Exception to Procedures....20
37.-39. Reserved....20
Figure 3-1. RIF Veterans Preference Determinations Questionnaire....21

CHAPTER 4. REDUCTION IN FORCE

40. General.....23
41. Retention Registers.....23
42. Determining Retention Standing.....23
43. Action.....28
44. Reduction in Force Notices.....34
45. Appeals.....35
46. National Programs for Staff Reduction.....35
47. Reemployment Priority List (RPL) Program.....35
48. Reporting Requirements.....36
49. Retention of Records.....36
50.-55. Reserved.....36
Figure 4-1. Sample RIF Retention Register.....37
Figure 4-2. Sample RIF Retention Card.....39

CHAPTER 5. REQUESTING VOLUNTARY EARLY RETIREMENT AUTHORITY AND PROVIDING OUTPLACEMENT TRAINING

56. Office of Personnel Management Responsibility.....41
57. Agency Responsibility.....41
58. Reporting Requirements.....41
59.-64. Reserved.....41

CHAPTER 6. SEVERANCE PAY

65. Coverage.....45
66. Basic Entitlement.....46
67. Separation from Qualifying Temporary Appointments.....47
68. Computation of Severance Pay.....48
69. Total Severance Pay.....48
Figure 6-1. Sample Severance Pay Computations.....49
Figure 6-2. Severance Pay Computation - Service Table
Figure 6-3. Severance Pay Computation - Age Table..52

APPENDIX 1. SAMPLE REDUCTION IN FORCE NOTICE (6 pages)

APPENDIX 2. QUESTIONS AND ANSWERS CONCERNING SEVERANCE PAY (7 pages)

APPENDIX 3. SEPARATION INFORMATION (7 pages)

APPENDIX 4. COMPETITIVE AREAS FOR WASHINGTON HEADQUARTERS (6 pages)

CHAPTER 1. GENERAL

1. PURPOSE. This order prescribes the policy concerning reduction in force (RIF). The order emphasizes the responsibilities of all parties involved in conducting a RIF and incorporates information that is beneficial to employees.

2. DISTRIBUTION. This order is distributed to the division level in Washington, regions, and centers with a standard distribution to all field offices and facilities.

3. CANCELLATION. Order 3350.2B, Staffing Adjustments and Reductions in Force, dated April 2, 1981, is canceled.

4. EXPLANATION OF CHANGES. This revision:

a. Redefines competitive area.

b. Makes clear the agency's policy of extending second round competition to employees in the excepted service.

c. Incorporates information concerning severance pay entitlement and provides samples of severance pay computations.

d. Clarifies the definition of surplus and emphasizes specific procedures that should be followed in absorbing or reducing organizational surpluses.

e. Explains the agency's position on using vacancies in the event of a reduction in force.

f. Incorporates alternatives managers can consider in lieu of conducting RIF's.

g. Changes the procedures for seeking advanced approval to conduct a reduction in force and changes the reporting requirements.

h. Clarifies circumstances under which employees can voluntarily request reassignments to other employing jurisdictions at their own expense.

i. Incorporates information on the various tenure groupings within the excepted service.

j. Incorporates specific information concerning crediting performance appraisals toward RIF retention.

k. Incorporates specific criteria that can be used to determine who is released from the competitive level in the event of ties within RIF subgroups.

l. Incorporates OPM guidelines issued since October 13, 1982, including the guidelines on exceptions to the regular order of release.

m. Elaborates on the procedures and processes the human resource management divisions should use in annotating RIF retention registers, planning for RIF's, informing unions and employees, giving employees advanced specific RIF notice, issuing RIF notices, and conducting outplacement assistance programs.

n. Incorporates information that can be given to employees that explains the impact RIF separation has on their benefits, their entitlement to unemployment compensation, severance pay, outplacement assistance programs, appeal information, EEO information, etc.

5. DEFINITIONS.

a. Annual Performance Rating. For RIF purposes, an official, written rating of record covering official appraisal periods established by the agency under a performance appraisal system approved by OPM in accordance with Title 5 of the United States Code (5 USC), chapter 43; generally issued on an annual basis. To be creditable for RIF purposes, the rating must have been issued to the employee, with all appropriate reviews and signatures, and must be on record and in the system (see paragraph 42d, Order 3500.7, FAA Performance Management System, and Federal Personnel Management (FPM) supplement 351-1, S3-9).

b. Assignment Right. The right of an employee to be assigned (by bump or retreat) in the second round of competition to a position in a different competitive level held by another employee with lower standing on a retention register.

c. Bumping Right. The right of an employee to be assigned to a position occupied by another employee in a lower tenure group or in a lower tenure subgroup within the released employee's tenure group in another competitive level but in the same competitive area (see paragraph 43c(2) and FPM supplement 351-1, S5-4).

d. Commuting Area. Any population center (or two or more neighboring ones) and the surrounding localities in which people live and can reasonably be expected to travel back and forth daily to their usual employment. The local commuting area for RIF

purposes is determined to be within an approximate 35-mile air radius, except where there are "overlapping" facilities (see paragraph 42a for more information).

e. Competing Employee. An employee in tenure group I, II, or III in either the competitive or excepted service.

f. Competitive Area. The geographical and/or organizational boundaries in which employees compete (see paragraph 42a).

g. Competitive Level. Positions at the same grade level and in the same classification series that have similar duties and other requirements and people within it will be in competition with each other for retention standing (see paragraph 42b).

h. Discontinued Service Retirement. An employee who is involuntarily separated from the service (such as a job abolishment) and who has at least 25 years of service (at any age) or who is age 50 with 20 years of service may retire on an immediate annuity. The annuity for this type of retirement is subject to an age reduction if the employee is under the age of 55.

i. Displacement. Release from the competitive level as a result of first or second round competition.

j. Early Optional Retirement. An employee who meets the criteria specified in paragraph 6h may retire voluntarily on an immediate annuity during a period when the agency is undergoing a major RIF, reorganization or realignment, or transfer of function as determined by OPM. The annuity for this type of retirement is subject also to an age reduction if the employee is under the age of 55.

k. Employing Jurisdiction. An FAA region, the FAA Technical Center, the Aeronautical Center, or Washington headquarters having delegated appointing authority.

l. Excepted Service. Positions such as veterans readjustment appointments, Cooperative Education Program positions, Federal Junior Fellowship Program positions, attorney positions, handicap appointments, etc., that are appointed under special appointing authorities and are established under a separate competitive level. Employees occupying these excepted service positions would not be competing in a RIF with employees in the competitive service. Employees in the excepted service

are listed separately on a retention register in terms of the appointing authorities. Should a RIF occur in the excepted service, the excepted service employees would compete among themselves and would be released from their competitive levels in the same way as would employees in the competitive service; that is, in inverse order (lowest to highest) of their retention standing within each subgroup as determined by their service computation dates.

m. Grade Retention. The entitlement an employee has who is placed in a lower grade as a result of reduction in force procedures or whose position is reduced in grade as a result of reclassification of the position to retain his/her grade for a period of 2 years. Order 3550.14A, Pay Under the General Schedule, contains specific eligibility requirements.

n. Reduction in Force (RIF). A management tool whereby employees compete with each other to retain jobs. RIF is the involuntary release of an employee from his/her competitive level by means of the following actions: separation, demotion, furlough for more than 30 consecutive days (or more than 22 nonconsecutive workdays), or reassignment requiring the displacement of another. If the action taken is caused by lack of work, shortage of funds, reorganization, lack of personnel ceiling, reclassification due to erosion, or the need to make a place for a returning employee exercising reemployment or restoration rights; the action constitutes a RIF. If, however, the action taken is not the result of one of the above, the action is not a RIF. Both the action and the reason are required in a RIF.

o. Reorganization. A planned change of functions or duties in an organization. This term is used synonymously with realignment. Necessary reductions will be accomplished in full conformity with OPM regulations and with strict observance of the statutory and regulatory rights of the affected employees.

p. Retention Register. A list of competing employees within a competitive level who are grouped by tenure, veterans preference, and length of service augmented by performance credit. Figure 4-1, Sample RIF Retention Register, contains a sample register showing RIF retention information.

q. Retention Standing. An employee's relative ranking on a retention register based on the tenure subgroup, veterans preference, and length of service augmented by performance credit.

r. Retreat Right. The right of an employee to be assigned to an available position occupied by another employee with lower retention standing in the same subgroup in a different competitive level (see paragraph 43c(3)).

s. Rounds of Competition. The different stages of competing for retention. In the first round of competition, employees compete to stay in the competitive level. In the second round of competition, employees compete for assignment to positions in different competitive levels. Should a reduction in force occur within the excepted service, the agency will extend second round competition to these employees. (Reference DPM Supplement 351-1, S5-10a(3).)

t. Service Computation Date (SCD). A date, either actual or constructed, used to determine benefits which are based on how long a person has been in the Federal service.

u. SCD-RIF (also known as service date or adjusted SCD). The date used to determine an employee's retention standing or seniority in a reduction in force. The SCD-RIF includes credit for the years, months, and days of the employee's creditable service (civilian and military) plus an additional number of years of credit based on the average of the three most recent annual performance ratings of record received during the 4-year period prior to the date of issuance of the RIF notice.

v. Severance Pay. Pay that is given to employees who are involuntarily separated from Federal service and who meet the eligibility requirements specified in subchapter 7 of FPM chapter 550, Pay Administration (General), and chapter 6, Severance Pay, and appendix 2. Reduction in force is not the only involuntary action that could entitle an employee to severance pay. Also reference 5 CFR 550, subpart G.

w. Surplus. Positions or functions that have been identified as excess to the needs of an organization. Actions that can be taken to eliminate or reduce the number of surplus positions are referenced in chapter 3, Procedures for Effecting Staff Reductions. Attempts must be made to absorb the surplus within the immediate organization before seeking placement assistance from other organizations and using RIF procedures.

x. Thirty Percent Disabled Veteran. A preference eligible employee with a compensable service-connected disability of 30 percent or more.

y. Transfer of Function. The transfer of the performance of a continuing function from one competitive area and its addition to one or more other competitive areas or the movement of the competitive area in which the function is performed to another local commuting area. However, if the function involved is virtually identical to functions already being performed in the other competitive area(s), the action does not constitute a transfer of function.

z. Volunteer. An employee who is willing to accept an ingrade reassignment or change to lower grade in another employing jurisdiction or competitive area, and whose selection would reduce the surplus within a competitive level, thereby, reducing the need for a reduction in force.

6. SCOPE. This order applies to FAA employees. However, if there is a negotiated agreement in effect for bargaining unit employees, the provisions in the negotiated agreement takes precedence provided they are not in conflict with the law and applicable agency procedures.

7. GUIDELINES.

a. When the number of employees in any organization or occupation must be reduced, management shall make every reasonable effort to place surplus employees in other jobs or regions of the agency with the least possible interruption to their careers and personal lives.

b. Separation of employees by RIF shall take place only after all reasonable alternative actions have failed to solve the surplus problem. The RIF procedure shall be conducted in a fair and equitable manner without regard to race, color, religion, sex, age, national origin, marital status, political affiliation, physical handicap, participation or non-participation in a labor organization, or personal favoritism. When conducting a RIF, the provisions of this order shall be used, in conjunction with, FPM Supplement 351-1, Reduction in Force, Departmental guidance, and union agreements, if applicable.

c. Some of the alternatives to conducting a RIF are: attrition, hiring freeze, promotion freeze, separation of employees on time-limited appointments and other noncompeting employees; reimbursable details, encouragement of voluntary LWOP or change from full-time to part-time work schedule, or furlough rather than separation (only if it is likely that the employee can be recalled to work within a year).

8. EXCLUSIONS.

a. When the characteristics and complexities of a work situation decrease at an air traffic control facility, the air traffic control specialist grade structure is lowered accordingly. The downgrading actions which result are generally not subject to the provisions and procedures of this order, since the OPM has ruled that these are not reduction in force downgrades. However, if as the result of the facility downgrade there are surplus positions, the agency may have to conduct a RIF.

b. The RIF provisions and procedures of this order do not apply to members of the Senior Executive Service (SES). (See DPM Supplement 920-1, Appendix J.) However, the provisions in Chapter 6, Severance Pay, are applicable to certain SES employees by law.

9. AUTHORITY TO CHANGE THIS ORDER. The Director of Personnel is authorized to issue changes to this order.

10.-19. RESERVED.

CHAPTER 2. RESPONSIBILITIES

20. PRIMARY RESPONSIBILITY. Primary responsibility for implementing FAA guidelines on effecting staffing reductions among employees over whom they have authority lies with the heads of straightlined organizations, or the Regional Administrator for the nonstraightlined organizations, or the Associate Administrator for the Aeronautical Center or the Director, FAA Technical Center for the nonstraightlined field employing jurisdictions. In Washington headquarters, primary responsibility for effecting staffing adjustments lies with the: a) Assistant Administrators and those heads of offices or staffs who report directly to the Administrator. b) the Associate Administrators or heads of offices who report directly to an Executive Director.

21. APPROVAL OF REDUCTION IN FORCE. The following approval responsibilities and restrictions apply:

a. Requests for Giving Employees Less Than the Required 60 Days' Specific Notice. If, for unforeseeable reasons, an employing jurisdiction is unable to give employees at least 60 days' specific written notice (minimum required by OPM) in advance of the anticipated separation date, authority can be granted only by the Director, Office of Personnel Management (OPM). All requests must be submitted through the Office of Personnel, APN. Copies of such approval documentation must be maintained with the pertinent information substantiating the RIF activity. No RIF shall be conducted without giving the employees the minimum 60 days' specific notice, required by OPM, unless approval is granted.

b. Requests to Change or Establish New Competitive Areas. OPM requires that competitive areas for RIF purposes be in effect for at least 90 days prior to the effective date of the RIF. Any request to change or establish a new competitive area less than the required 90-day period can only be approved by OPM. However, once a competitive area has been defined, any request to change it is subject to the approval of the Director of Personnel, APN-1, regardless as to whether it is 90 days in advance of the effective date of the RIF. All changes to and the establishment of new competitive areas must be publicized as a means of informing all affected employees. No RIF activity nor publicizing shall be conducted prior to the required approvals.

c. Requests to Separate Employees Using Reduction in Force Procedures. Except as specified in paragraph 21d, all employing jurisdictions must seek PRIOR approval from the Director of Personnel, APN-1, to conduct separations by RIF involving 20 or more employees, regardless of the grade levels. The Director of Personnel must be notified by the responsible official designated in paragraph 20 through the Manager, Human Resource Management Division, as soon as it is known (preferably at least 60 days in advance of the need to issue the advance specific RIF notices). NO SPECIFIC NOTICE SHALL BE ISSUED PRIOR TO RECEIVING THIS APPROVAL. This notice shall include the following information:

(1) Reason for the RIF and its proposed effective date.

(2) Number (by title, series, grade, and location) of affected employees.

(3) Competitive area by organization and geographic boundary (principal cities or States).

(4) Prospects for placement of employees elsewhere in the employing jurisdiction.

(5) Administrative actions planned or taken to reduce the surplus. Alternatives specified in paragraph 31 should be considered. An indication as to whether there is the likelihood that employees may be separated, resulting in issuing them an early warning or certification of separation notice.

(6) Outplacement and counseling assistance planned.

(7) Nature of assistance desired, if any, from the Washington headquarters in terms of a regionwide freeze on hiring or promotions or the development of additional outplacement opportunities among other departments and agencies, etc.

(8) Information regarding whether or not a request should be made for early optional retirement (see chapter 5, Requesting Voluntary Early Retirement Authority and Providing Outplacement Training).

d. In those instances where fewer than 20 employees are involved, the HRMO approves the request to use RIF procedures and shall provide APN-1 with a brief summary of the RIF activity, including an adverse impact statement.

e. Washington headquarters only. All requests to use RIF procedures for any number of employees, regardless as to the grade level, must be approved by the Director of Personnel, APN-1. The request should include the information specified in paragraph 21c. No RIF activity shall be conducted without prior approval.

22. COORDINATING RESPONSIBILITIES. Heads of the regional straightlined organizations, regional administrators over the nonstraightlined organizations, associate/assistant administrators, or center directors, in conjunction with the human resource management divisions, are responsible for outplacement assistance; employee and employee assistance program counseling; internal and external communications; liaison with unions, employee organizations, members of Congress, and other legitimately interested parties within their respective employing jurisdictions (including other managers and the Department of Labor, Unemployment Insurance Service, Employment and Training Administration).

23. FAA-WIDE ACTION. When the size and nature of a RIF has FAA-wide implications, the Assistant Administrator for Human Resource Management will advise the Administrator of the reasons for, and the nature of, the proposed action and will recommend any additional steps, if necessary, to minimize the impact of the RIF activity on employees and the agency.

24. ASSISTANCE TO OFFICIALS HAVING PRIMARY RESPONSIBILITY. The Director of Personnel will provide national guidance, advice and assistance to officials responsible for managing their resources. However, the Human Resource Management Officers are responsible for ensuring proper implementation of these procedures and providing advice and assistance at the local levels.

25. PROGRAM EVALUATION. The Director of Personnel is responsible for ensuring that the provisions of this order are properly implemented and reserves the authority to review the employing jurisdictions' preparation and process at any given stage of a RIF.

26.-29. RESERVED.

CHAPTER 3. PROCEDURES FOR EFFECTING STAFFING REDUCTIONS

30. PLANNING. The importance of advanced planning in effecting any staffing reduction cannot be overemphasized. The success of any program of staffing reductions will depend upon anticipating changes as far in advance as possible, the careful development of the plan, the ingenuity displayed in seeking ways to use the available skills of surplus employees, and the cooperation given by employees and recognized unions. To secure the unions' support and cooperation, they should be informed of the problem as early as possible, and in conformance with any negotiated agreement. The unions' suggestions should be carefully weighed and considered. The unions should be kept apprised as the activity is carried out.

31. PLAN DEVELOPMENT.

a. When a reduction in staff is necessary, the responsible management official, as defined in paragraph 20, will determine the scope of the reduction, and the number and kinds of positions that may be affected. In consultation with the appropriate Human Resource Management Division, that official will develop a plan and make every initial attempt to place surplus employees in positions in other parts of his or her organization, if possible. Some of the ways in which this can be accomplished, within available resources, are listed below in paragraph 31b. The responsible official can impose restrictions on recruitment and some promotion actions within his or her organization when necessary.

b. Some of the actions, aside from attrition, that can be considered and included in the staff reduction plan are:

(1) Reorganization, redistribution of duties, restructuring of positions, retraining, consolidation of functions and/or offices.

(2) Reassignments (either within or outside the commuting area) to balance the work force, if feasible.

(3) Filling vacant positions from internal work force, if possible.

(4) Use of temporary employees as permanent positions become vacant.

(5) Hiring and/or promotion freeze.

(6) Termination of temporary employees, reemployed annuitants, contractors.

(7) Curtailment of overtime, except in emergency cases.

(8) Work with other local program managers to outplace excess employees.

NOTE: DPM supplement 351-1, S1-3b., allows discretion in granting a reasonable amount of excused absence for employees to interview for other jobs in situations as these.

(9) Use of transfers to maintain employment in critical positions while limiting the size of the work force.

(10) Furlough of employees (if for less than 30 consecutive calendar days or 22 noncontinuous workdays, it does not require RIF procedures). However, furloughs for longer than 30 consecutive calendar days or 22 workdays can only be allowed using RIF procedures, including the required notice period. NOTE: This option should be used only if the budget situation will allow you to RECALL the employees to work. Furloughs are not recommended as a means of delaying the inevitable.

(11) Request that the agency obtains the voluntary early retirement authorization from OPM as a means of allowing employees (not a part of the surplus) to retire early in order to create vacancies for those who are surplus and would otherwise be separated during a RIF. (Reference FPM supplement 351-1, appendix B, and chapter 5 of this order for additional information pertaining to the criteria and procedures to follow).

(12) Voluntary election of leave without pay. Sometimes employees may volunteer for LWOP to curtail the need for more drastic personnel action such as furlough.

(13) Voluntary acceptance of parttime employment or job sharing opportunities.

c. If a negotiated agreement incorporating procedures governing staffing reductions is in effect, management must ensure that the negotiated procedures are followed. The Offices of Labor and Employee Relations and Civil Rights also should be consulted. (Careful consideration should be given to all employees possibly impacted, as the situation may involve employees from other bargaining units.)

d. If the measures listed above in paragraph 31b do not resolve the surplus, the request to use RIF procedures can be requested as specified in paragraph 21c. However, before the RIF is initiated, all employing jurisdictions will ensure that:

(1) Competitive areas are properly established and clearly defined.

(2) Competitive levels are correct. (NOTE: Competitive service and excepted service positions should never be placed in the same competitive level, nor should full-time, part-time, intermittent, seasonal, on-call, or supervisory versus nonsupervisory positions be in the same competitive level.)

(3) Position descriptions are accurate and current.

(4) Employees are given the opportunity to review their official personnel records and update their qualifications within the publicized and established cutoff date.

(5) Regular service computation dates (SCD) and the SCD's for RIF purposes are accurate.

(6) Veterans preference for RIF has been verified and adjustments made accordingly. Figure 3-1, Reduction in Force Veterans Preference Determinations, contains a checklist that can be used for easy determinations.

(7) The ground rules for crediting performance appraisals and establishing cutoff dates for the receipt of performance appraisals are clearly defined and consistently applied.

(8) Those employees who are on temporary promotions, details, or short-term assignments compete at their permanent job of record. The retention register <u>must</u> be annotated to reflect this.

(9) Those employees who have been reemployed after military service or those who have statutory restoration rights are properly identified so that their special retention in terms of the order of release from the competitive level is protected. (Reference paragraph 43b(1) and FPM supplement 351-1, S4-4.)

(10) Identify those employees with return rights (3R). If the position that the employee is occupying on his/her 3R assignment is scheduled for abolishment, or if the employee is subject to separation or demotion resulting from the host employing jurisdiction's RIF activity, you must give the employee advance written notification of the proposed RIF action. The employee has the following options:

(a) Return to his/her parent region with the understanding that there are no guarantees that he/she will not be affected if RIF activity subsequently occurs in the parent region.

(b) Forfeit his/her return rights and become a part of the host region's RIF activity.

(c) Accept a similar assignment outside the affected area, if available, ONLY for the remainder of his/her current tour.

If the RIF activity occurs in the employee's parent region, the employee would only be considered if he/she has received and accepted a firm written job offer in the parent region that is within the affected competitive area. The employee must receive the full required advance specific notice specified by this order or a negotiated agreement, if applicable.

(11) The criteria for "tie breaking" in case of ties in retention standing/adjusted service computation date should be established prior to and applied throughout the RIF. These ties may not be broken by any process using random chance or alphabetical order. The factors used should be job related or service related, such as: the employee holding the position being abolished will be released, the employee with the lowest performance appraisal score should be released, the employee who has been in the specific competitive area the least amount of time is released, the employee who has been in grade the least amount of time should be released, the employee with less additional service credit based on performance will be released, the employee who has been in the office or occupation the least amount of time is released, or the employee who has been in grade the least amount of time is released. All of the criteria could be ranked in advance in terms of priority order and used in any given RIF situation. The RIF records should be documented to include the criteria used in determining which employee is released in the "tie-breaking" instances.

(12) The respective HRMD should annotate the RIF retention register if an employee is eligible for a "change in tenure" prior to the effective date of the RIF. Changes in tenure or other factors that may affect employee standing must be considered during the notice period. This information should be verified prior to issuance of the notice in the event that the situation changes.

e. FPM supplement 351-1, subchapter 1, highlights other significant planning aspects which should be considered.

32. VOLUNTARY REQUESTS FOR REASSIGNMENT. In planning a RIF, a major reorganization, a transfer of function, or a major consolidation, a voluntary request for reassignment may be accepted from any employee in a unit whose competitive level is likely to be affected by the reduction. Such requests, in the absence of a specific RIF notice is considered in the best interest of the employee and permanent change of station (PCS) benefits would not be paid.

33. ADMINISTRATIVE REASSIGNMENT. The assignment of an employee who is released from his/her competitive level may be satisfied by administrative reassignment in lieu of RIF separation, or other RIF actions. (Reference FPM Supplement 351-1, S5-6c.)

34. PRIORITY PLACEMENT CONSIDERATION. Employees who meet the grade retention eligibility requirements of the agency's grade and pay retention regulations, will be eligible for priority placement consideration. This consideration applies only for the duration of their grade retention eligibility. Order 3550.14A, Pay Under the General Schedule, contains specific criteria.

35. EXCLUSIONS. In any staffing reduction program other than in a transfer of function situation, no wage grade personnel WG-6 and below, general schedule personnel GS-5 and below, or clerical/secretarial personnel at any grade will be included in any plan requiring them to relocate outside of their commuting areas. However, if in staff reduction situations these employees voluntarily request placement outside their commuting areas, consideration can be given if there is opportunity for such placement. In this instance, the placement is considered to be in the best interest of the employee, thereby relieving the agency of its obligation to pay PCS.

36. EXCEPTION TO PROCEDURES. The Director of Personnel may approve written requests for exceptions to these guidelines. Responsible management officials may request exceptions when in their view sufficient reasons exist to justify other courses of action. The written requests and dispositions thereof will be retained in accordance with the agency's records management procedures.

37.-39. RESERVED.

FIGURE 3-1. Reduction in Force - Veterans Preference Determinations

NOTE: This form is not an official FAA form; however, it is one prepared by the Office of Personnel Management used as part of RIF training. This form MUST be used in conjunction with the following Federal Personnel Manual (FPM) issuances to assure an accurate determination:

FPM 211 - Veterans Preference
FPM 351 - Reduction in Force
FPM Supplement 296-33 - Processing Personnel Actions
FPM Supplement 831-1 - Retirement

Reduction in Force
Veterans Preference Determinations

1. Enter employee's name.

2. Enter the effective date of the reduction in force under "COMPUTED AS OF__."

3. Begin with 1. Check YES or NO and go to the numbered statement to which you are directed. Check YES or NO in that statement and go where directed. Keep doing this until you reach a subgroup. That is the employee's subgroup for this reduction in force.

4. For most employees, the determination will not change. The determination may change, however, if the employee:

   a. becomes eligible for preference as the wife, husband, widow, widower, or mother of a veteran; or

   b. is no longer eligible for preference as the wife, husband, widow, widower, or mother of a veteran; or

   c. was a disabled veteran as defined in section 2108(2) of title 5, U.S. Code, and the determination is made by the Veterans Administration or the military department that the person is no longer disabled; or

   d. was NOT a disabled veteran as defined in section 2108(2) of title 5, U.S. Code, and the determination is made by the Veterans Administration or the military department that the person is currently disabled; or

   e. is a "reservist" who becomes eligible for retired pay under Chapter 67 of title 10, U.S. Code because he/she reaches age 60.

5. Nonpreference eligibles who are retired members of the uniformed services are credited with active military time during a war, expedition, or campaign. Preference eligibles who are retired members of the uniformed services are credited with the total active military time.

Figure 3-1. REDUCTION IN FORCE - VETERANS PREFERENCE DETERMINATIONS (con't)

Employee_____ Computed as of_____

1. Did the employee have active military duty?	__Yes.....Go to 3. __No.....Go to 2.
2. Is the employee entitled to wife, husband, widow, widower, or mother preference?	__Yes..Subgroup A. __No...Subgroup B.
3. Is the employee a retired member of the uniformed services?	__Yes.....Go to 4. __No.....Go to 11.
4. Is the employee's uniformed service retirement based on a disability that either: (a) resulted from injury or disease in the line of duty as a direct result of armed conflict; (b) was caused by an instrumentality of war and was incurred during a period of war?	__Yes....Go to 11. __No.....Go to 5.
5. Did the employee retire at or above the rank of major or equivalent?	__Yes....Go to 6. __No.....Go to 9.
6. Is the employee under the age of 60?	__Yes....Go to 7. __No.....Go.to 8.
7. Is the employee a "reservist" under 10 U.S. Code, chapter 67?	__Yes...Go to 11. __No..Subgroup B.
8. Is the employee a disabled veteran under 5 U.S. Code, section 2108(2)?	__Yes....Go to 9. __No..Subgroup B.
9. Is the employee's retired pay from the uniformed services based on 20 or more years of full-time active service?	__Yes...Go to 10. __No....Go to 11.
10. Has the employee been continuously employed in a position covered by FPM 351 since November 30, 1964, without a break of more than 30 days?	__Yes...Go to 11. __No..Subgroup B.
11. Does the employee have a compensable service connected disability of 30 percent or more?	__Yes.Subgroup AD. __No.... Go to 12.
12. Does the employee have a service-connected disability?	__Yes..Subgroup A. __No.....Go to 13.
13. Was the employee's military service performed: (a) in a war; or (b) in a campaign/expedition for which a campaign badge is authorized; or (c) from April 28, 1952, through July 1, 1955; or (d) for more than 18 consecutive days, other than for training, beginning February 1, 1955, and ending October 14, 1976? Discharge or release must have been honorable or under honorable conditions (includes general discharges).	__Yes..Subgroup A. __No...Subgroup B.

CHAPTER 4. REDUCTION IN FORCE

40. GENERAL.

a. This chapter describes the main features of reduction in force. As specified in paragraph 7b, the provisions of this order are to be used in conjunction with FPM supplement 351-1.

b. It is the agency's policy to make every effort to avoid a RIF. Vacancies may be used on a case-by-case basis depending on the needs of the agency.

41. RETENTION REGISTERS. Retention registers are established and maintained by each employing jurisdiction. A register consists of all employees in a competitive area broken out by competitive level. Employees are listed on the register in the order of their retention standing from highest to lowest. (NOTE: WHILE THE COMPETITIVE AREA CAN CONSIST OF POSITIONS IN BOTH THE COMPETITIVE AND EXCEPTED SERVICE, THE POSITIONS SHOULD BE LISTED SEPARATELY ON THE RETENTION REGISTER. AN EMPLOYEE IN THE COMPETITIVE SERVICE CANNOT BUMP OR RETREAT TO A POSITION IN THE EXCEPTED SERVICE AND VICE VERSA.) Figure 4-1, Sample RIF Retention Register, contains a sample retention register. Figure 4-2, Sample RIF Retention Card, contains a sample card that can be used to document the RIF activity if using a manual RIF tracking system.

42. DETERMINING RETENTION STANDING. Competition in a RIF is based upon competitive area, competitive level, tenure group, subgroup, service computation date, and adjusted SCD for performance ratings. These factors taken together determine the retention rights of employees affected by a RIF.

a. Competitive Area. Title 5 CFR 351.402 authorizes each agency to establish and define competitive areas. In addition, Departmental Personnel Manual 351-1, 3-2, indicates that when establishing and changing competitive areas, they must be described in and distributed through the agency's directives systems or other official media of communication readily accessible to all employees. The competitive area is specified in terms of organizational unit and geographical location. An agency may not use one competitive area for the first round of competition and a different competitive area for subsequent rounds of competition. Similarly, in any given RIF, no employee can be part of more than one competitive area. In situations where there are overlapping facilities, the facility must be in one competitive area or the other. Those decisions are made prior to conducting the RIF, and employees must be told what the competitive area is.

(1). For FAA purposes, the competitive area for the field (regional) organizations (unless otherwise noted) is defined as the straightline organization within an employing jurisdiction in its respective commuting area. The remaining regional non-straightlined organizations that report to the Regional Administrator, or Center Director, within the commuting area are in a single competitive area (unless otherwise noted).

(2). The competitive areas for Washington headquarters are specified in appendix 4, Competitive Areas for Washington headquarters.

(3). Competitive areas must be in effect for at least 90 days prior to a RIF. Only OPM can approve exceptions to the less than 90 days requirement. Such requests must be forwarded to the Office of Personnel Management through the Director of Personnel, APN-1. (Reference FPM supplement 351-1, S3-2.) In addition, as specified in paragraph 21b, any change to an existing or the establishment of a new competitive area that will be in effect for at least 90 days prior to the effective date of the RIF can only be approved by the Director of Personnel, APN-1.

b. Competitive Level consists of positions in the competitive area that are at the same grade or occupational level; in the same classification series; and similar enough in duties and responsibilities, qualifications requirements, pay schedules, and work schedule so that the employee of one position can successfully perform the critical elements of any other position in the competitive level upon assignment to it without any undue interruption. Separate competitive levels are required by service, appointment authority, pay schedule, type of work schedule, supervisory or nonsupervisory status, and trainee status. In other words, competitive and excepted service positions are never placed in the same competitive level; nor are part-time, full-time, and intermittent, seasonal, and on-call positions in the same competitive level. Separate levels are established for excepted service positions filled under different appointment authorities. Factors that do not enter into competitive level determinations are work changing shift requirements, a requirement to serve a probationary period for initial appointment to a supervisory or managerial position, the sex of the employee, the difference in the local wage areas, the promotion potential of a position, etc. (Reference FPM supplement 351-1, S3-3.)

c. Tenure Groups. All competing employees should be listed on the retention register from tenure group I down to tenure group III. The reference to probationary period in the various tenure group definitions is different from the probationary period required of supervisors and managers as required under the Civil Service Reform Act. The probationary period for tenure purposes refers to "employment" status, while the probationary period for supervisors or managers refers to "position" status or requirement. For example, a new supervisor or manager serving a supervisory/managerial probationary period could be in any of the following tenure groups depending on whether he or she has completed the probationary period for employment purposes.

(1) Group I. Employees under career appointments who have completed the probationary period required of all employees hired competitively.

Excepted Service. Employees under permanent appointments who are not serving trial periods and those whose appointments carry no specific time limitations or restrictions such as indefinite or conditional.

(2) Group II. Employees currently serving the required probationary period for competitive appointments and career-conditional employees.

Excepted Service. Employees who are serving trial periods or whose tenure is equivalent to career-conditional tenure in the competitive service in agencies having that type of appointment (i.e., Cooperative Education students, Federal Junior Fellows, attorneys, VRA's).

(3) Group III. Indefinite employees, employees serving under temporary appointments pending establishment of registers (TAPER), employees in status quo, and employees under any other nonstatus, nontemporary appointments.

Excepted Service. Employees on appointments that are indefinite; i.e., appointments without specific time limitation but not actually (or potentially) permanent; with a specific time limitation of more than 1 year (i.e., law clerks); employees who, though currently under appointments limited to 1 year or less, completed 1 year of current continuous employment; and employees serving on provisional appointments as defined in FPM chapter 316, Non-Permanent Employment.

(4) Tenure Subgroups. The ranking for the tenure subgroups is as follows:

(a) Subgroup AD. Employees entitled to veterans preference for RIF (as described in subgroup A below) and who has a compensable, service-connected disability of 30 percent or more. The burden of proof rests with the employee. The human resource management division requires current proof of eligibility (within a 1-year period). Figure 3-1 helps to determine eligibility for this purpose.

(b) Subgroup A. Employees entitled to veterans preference for RIF (who are not included in subgroup AD).

(c) Subgroup B. Other employees.

(Reference FPM supplement 351-1, FPM supplement 296-33, and FPM chapter 213 for more specific information on tenure groups, appointments (excepted and competitive), and retention registers.)

(5) Retention Standing within Subgroup. The order of an employee's standing within a group or subgroup is determined by his/her length of creditable service adjusted for performance appraisals.

(a) Creditable Service. Except for certain retired members of the uniformed services, all service creditable toward civil service retirement (civilian, military, and merchant marine service) is creditable for RIF purposes. Retired members of the uniformed services are credited only for military service performed during a war or in a campaign or expedition for which a campaign badge is authorized. However, a retired member receives credit for all service if he/she: was retired for disability in line of duty as a result of armed conflict; or was retired for disability caused by an instrumentality of war and incurred in line of duty during a period of war; or had less than 20 years' active service; or was employed immediately prior to 12/1/64 in a civilian office to which the Veteran's Preference Act applied and has served continuously thereafter in such an office without a break in service of more than 30 days. Additional information can be found in FPM supplements 296-33 and 351-1 and in FPM chapter 211.

d. Credit for Performance. Additional service credit for RIF purposes only is granted based on performance ratings. An employee's entitlement to additional service credit for performance shall be based on the employee's three most recent annual performance ratings of record received during the 4-year period prior to the date of issuance of reduction-in-force notices. To provide adequate time to determine an employee's retention standing, an employing jurisdiction may establish a cutoff date for the receipt of performance ratings 30-days prior to the issuance of the specific notices. It is recommended that the employing jurisdiction make this date known to the managers as far in advance as possible. The understanding is that no other rating will be made a part of the employee's record and used for the purpose of granting additional service credit for the purpose of the RIF.

(1) Computing Credit for Performance Appraisals. Additional service credit is expressed in additional years of service and consists of the mathematical average (rounded up to the next nearest whole number) of the employee's last three (actual and/or assumed) annual performance ratings of record in the following manner: (1) outstanding (level 5) - 20 additional years, (2) exceptional (level 4) - 16 additional years, (3) fully successful (level 3) - 12 additional years. No additional credit is given for any rating below fully successful. In computing the credit, total the years for the various appraisals based on the above breakout, divide by 3 (3 ratings), and round up to get the additional number of years to be added to the service computation date. This date then becomes the adjusted service computation date for RIF purposes ONLY.

NOTE: The current annual performance rating of record should normally be the last of the three annual ratings. Regardless as to whether the performance appraisal system was PMS or PMRS, the equivalence of the rating levels specified above is used. An attempt should be made to retrieve the performance appraisal data for employees who transfer from other agencies because it is better to use actual information as opposed to giving the employee an "assumed" rating of fully successful in the absence of the actual rating. However, no credit is given for narrative performance ratings that do not have a minimum of three summary rating levels. If the narrative rating is received during the appraisal period of consideration, an assumed rating of fully successful is used. In any event, if the actual ratings are not available by the established cutoff date, the human resource management division cannot accept copies from the employee for this purpose. (Reference FPM supplement 351-1, subchapter 3, section S3.9.)

43. ACTION. When placements of surplus employees cannot be made within FAA, the employees will be separated in the following sequence:

a. Release from Competitive Level (1st Round Competition). BEFORE A COMPETING EMPLOYEE MAY BE RELEASED FROM A COMPETITIVE LEVEL, AT A MINIMUM, ALL NONCOMPETING EMPLOYEES MUST BE RELEASED FROM THAT COMPETITIVE LEVEL. NOTE: If the noncompeting employees are not in the same competitive level as the competing employee being released, they do not necessarily have to be terminated.

(1) All group III employees before any in group I or group II.

(2) All group II employees before any in group I.

(3) Within each group, all in subgroup B before any in subgroup AD or A.

(4) All in subgroup A before any in subgroup AD.

(5) Within each subgroup employees with more recent RIF SCD dates are released first.

(6) Ties within subgroups are broken by predetermined criteria. The rationale should be documented. Examples of some of the criteria that can be considered are referenced in paragraph 31d(11).

(7) Employees serving under excepted appointments shall be released from their competitive levels in the excepted service in the same way as employees in the competitive service; i.e., in inverse order of their retention standing within each subgroup as determined by their service computation dates (from lowest to highest). However, the excepted service employees cannot bump or retreat to positions in the competitive service, and vice versa. (Reference FPM supplement 351-1, S5-3.)

b. Exceptions to Regular Order of Release. Competing employees may be released from a competitive level while other competing employees with lower retention standing are retained under the following OPM authorized situations:

(1) Mandatory Exception. Group I or II employees who have been reemployed after intervening military service have special statutory retention protection for either 6 months (reservist) or 1 year (induction, enlistment, active duty) after they have been restored. (Reference FPM chapter 353 for additional criteria.) These employees cannot be separated by RIF for the duration of their retention period. However, should the employees be reached for release from their competitive levels, the agency is obligated to find other positions for the employees either in their same competitive areas or other competitive areas. Should the employees refuse all written offers and be separated, the separations must be documented as adverse actions and not RIF actions. (Reference FPM supplement 351-1, S4-4a(1).)

(2) Discretionary Continuing Exceptions. A decision can be made not to release an employee with lower retention standing from a position that an employee with higher retention standing cannot perform within 90 days and without undue interruption or adverse impact to the agency. The reason(s) for this exception must be documented and made known to the affected employee(s). This provision should be used only to retain an employee whose assignment will last more than 90 days beyond the effective date of the RIF.

(3) Discretionary Temporary Exceptions. A decision can be made not to release an employee with lower retention standing for a period not-to-exceed 90 days after the release of employees with higher retention standing for reasons such as: to continue an activity without undue interruption, to avoid the interruption or untimely termination of an Intergovernmental Personnel Act assignment (if less than 90 days remaining), to satisfy the obligation to give an employee the full specific notice period if the employee is absent from the duty station and cannot receive the notice at the same time as other employees or when a new notice period must be given (i.e., if an employee has to be given a "worse" offer), or to benefit an employee when the temporary exception does not adversely affect the rights of any higher standing employee who is released ahead of the lower standing employee (e.g., retaining an employee who is on approved and documented sick leave as of the effective date of the RIF to remain on sick leave until the sick leave is either exhausted or the employee recovers). An extension in the latter situation may exceed 90 days but may not exceed the date the sick leave is exhausted. Another permissive temporary exception is to allow an employee to remain on the agency's rolls past the effective date of the RIF in an annual leave status only if the extension and the period of annual leave usage will help the employee attain retirement eligibility.

(1) Additional Obligations to Employees. Employees retained under one of the referenced temporary exceptions are not entitled to nor do they have rights to any further RIF offers or vacancies in lieu of RIF. The employees should receive written notification of the specific reasons for their extensions, and the documentation should be made a part of the overall RIF file in the event that the agency is challenged. In addition, the agency should notify the employees as to eligibility requirements for health benefits coverage.

c. Assignment Rights to Other Competitive Levels (2nd Round Competition) General Requirements. An employee released from a competitive level will be considered for his/her assignment rights in round 2 competition in order of retention standing, which may differ from round 1 retention order. In addition, an employee will be offered the highest position up to and including his/her current grade level but no more than three grades or grade intervals below the highest equivalent grade level to which he/she is entitled. (An exception to the three grades or grade intervals rule is a preference eligible with a compensable, service-connected disability of 30 percent or more as far as retreat rights are concerned. In these instances, a preference eligible with a compensable service-connected disability of 30 percent or more, can retreat to positions up to five grades (or intervals or equivalents) lower. Whether the employee can do the work of the other position depends on whether it can be done without undue interruption to the work program. In no case, however, does undue interruption mean mere inconvenience. An allowable period of time is defined as within a 90-day period. This offer would involve one of the following actions:

(1) Movement to a Vacant Position. This can be done the following ways:

(a). Assignment Rights. An employee's assignment right may be satisfied by assigning the employee to a vacant position in the same competitive area having a representative rate equal to a position to which the employee would be entitled on the basis of bump or retreat rights. The vacant position, in this instance, must be no more than three grades or three grade-intervals (or equivalent) below the position held by a released employee, and is based on subgroup superiority as long as no employee has a retreat right to it. (Reference FPM supplement 351-1, S5-6, for complete application of this provision.)

(b). Using vacancies in lieu of RIF separation, or other RIF actions. When an agency determines that a tenure group I or II employee has no RIF assignment right or if the agency chooses to offer a position in lieu of RIF separation or other RIF action, it may offer the employee a vacant position. The grade-level limits which apply when placing employees through RIF assignment rights specified in paragraph 43c(1)(a) above DO NOT apply when offering an employee a vacancy in lieu of RIF. Under this procedure, you can offer a vacant other-than-full-time position to a full time employee or offer a vacant full time position to an other-than-full-time employee. Although the employee was reached for a RIF action, these voluntary offers are NOT RIF placements and must be made in accordance with the provisions of FPM chapter 335 if the offered position has more promotion potential than the employee's present position. Offers under this authority must be made on the basis of subgroup superiority and cannot violate the assignment rights of any other competing employee. However, offers of positions in different competitive areas which are outside the local commuting area are not subject to these restrictions.

(1). Temporary Positions. In addition, agencies may also offer vacant temporary positions to place employees subject to RIF separation. Grade level limits DO NOT apply to these non-RIF placements. In other words, the position offered under this situation can be more than three grades or three grade-intervals (or equivalent) below the position held by the released employee. For example, if the affected employee is a GS-11, a two-graded occupation; he or she can be offered a position below grade GS-5 (GS-9-7-5). If the GS-11 position is in a one-grade interval occupation, the employee can be offered a position below GS-8 (GS-10-9-8). (Reference FPM supplement 351-1, S5-6.c. for complete application of this provision.)

(c). Waiver of qualifications in offering RIF assignments. In making RIF assignments to vacant positions, it is not agency policy to automatically waive OPM qualifications standards and requirements even if the employee meets any minimum educational requirements for the position. This option can be considered if the employee has the capacity, adaptability, and special skills needed to perform the duties of the position within the 90-day period and management determines the offer is in the best interest of the agency. The waiver of qualifications cannot be used to assign an employee to a position with a higher representative rate than the rate of the current position held. (Reference FPM Supplement 351-1, S5-9 for more information.)

(2) Displacement of Employee in Lower Subgroup. In exercise of an employee's "bump" rights, before an employee can displace another employee, he/she must be qualified for the position in terms of the OPM qualification requirements, including any selective factors for the position, as reflected in the position description and/or recruitment announcement. (Reference FPM supplement S5-8.)

(3) Displacement of Employee in the Same Subgroup. An employee has "retreat" rights back to the same or identical position he/she previously held (providing it is no more than 3 grades or grade-intervals lower) when it is occupied by an employee in the same subgroup with a later RIF SCD. This may occur when an equal or better offer cannot be made under paragraphs 43c(1) or 43c(2). NOTE: A preference eligible with a compensable, service-connected disability of 30 percent or more may retreat no more than five grades or five grade intervals.

(4) Employees serving under excepted service appointments shall have the same assignment rights to positions in the excepted service as those described for employees in the competitive service. Representative rates shall be determined in the same manner as for positions in the competitive service. (Reference DPM supplement 351-1, S10a(3).)

(5) Full-time employees do not have assignment rights to positions in other than full-time work schedules.

(6) An employee with a current "marginal" performance rating may retreat only to a position held by an employee with the same or lower rating.

d. Informing Employees. Employees who may be affected in a reduction in force shall be given specific information as follows:

(1) When one or more but not all of the employees with the same retention standing and within the same subgroup must be released from a competitive level, the method used or the factor considered in determining who shall be released must be made known to the affected employees. In addition, there is an obligation to notify employees in a competitive level of any decision to extend someone's time to allow him or her to use up his or her sick leave if the person is hospitalized or to pass over someone if it is determined that releasing that employee at a particular time would create undue hardship to the agency (e.g., a lone investigator working on an undercover case over a significant period of time where it would create disruption to get someone else to handle the case).

(2) Whenever it is necessary to furlough some, but not all of the employees in a competitive level for 30 consecutive days or more because of lack of work or funds, the retention standing of the affected employees shall be used to determine which employees are to be furloughed.

(3) The extent to which administrative assignments may be made must be decided in advance of any RIF and those decisions must be communicated to all employees who may be affected before any employee is released from his or her competitive level.

(4) Placement disqualification of 30-percent disabled veterans for physical reasons. An employee who has a compensable service-connected disability of 30 percent or more has the right to respond to an initial determination that he or she is not able to fulfill the physical requirements of a position to which the employee would otherwise be assigned. An initial determination of this type must be submitted to the appropriate office of the Office of Personnel Management by the employing jurisdiction for a final determination. Simultaneously, the employee must be given a written notice of reasons for the determination, and his/her right to respond to OPM within 15 days of the date of the notice concerning these reasons. The Office of Personnel Management will review the materials submitted and make a final determination concerning the employee's physical ability to perform the duties of the position. Copies will be sent to FAA and the employee. Final selection of any other person for the position may not be made before OPM makes a final determination.

e. Notice to Employees. An employee who is reached for release from his/her competitive level must be given at least 60 days advance written notice. This notice period may be longer if specified in a negotiated agreement. In addition, no notice period will be less than 60 days unless it has been approved by OPM. The notice period begins the day after the employees receive the specific notice and cannot end on a weekend or holiday. If an offer of another position is not possible, the notice will indicate the date of separation from service. If the notice offers the employee another position, it must specify the alternative should the employee decline the offer; essentially that he/she will be separated from the service. If, however, before the effective date of the RIF, a better offer at a higher representative rate (but not higher than that of the employee's current position), becomes available, the offer can be made to the employee. All acceptance or declinations of offers must be in writing.

44. REDUCTION-IN-FORCE NOTICES.

a. Content. Each letter to an employee giving notice of a RIF, at a minimum, should include the reason for the RIF, the effective date, the employee's competitive area, competitive level, subgroup, service date, and the most recent annual performance ratings received during the specified 4-year period; where the employee can inspect the regulations and records pertinent to his or her case, employee's appeal or grievance rights, and general information concerning eligibility under various outplacement assistance programs and the impact the RIF has on employee benefits. In addition, the letter should contain information about the impact a declination of a job offer may have upon entitlement to severance pay or discontinued service retirement, and information concerning applying for unemployment compensation, and registering for various outplacement and retraining programs if the employee is eligible (e.g. Department's Reemployment Priority List, OPM's Interagency Placement Program.) The notices must be signed by the Manager, Human Resource Management Division or his/her designee. The letter should convey a tone of sincerity, regret, and empathy and should express clearly the appreciation of FAA for the employee's past service.

b. Issuance. If at all possible, before RIF notices are issued, meetings should be held with the employees affected. However, these meetings should not be held with bargaining unit employees without proper notification to union officials as specified in the labor agreements. A well-versed representative of the management team (i.e., supervisor, personnel specialist, administrative officer, etc.) should carefully explain the proposed action and RIF procedures, employment opportunities within FAA, private industry, or other Federal agencies; availability of job counseling services, SF-171 workshops, etc. and, if possible, have copies of any brochures or other information that explain RIF, severance pay and other entitlements. Adequate opportunity should be provided for employees to ask questions and to review the retention register. If answers to these questions are not available, a special effort should be made to provide the information in a timely fashion. If meetings are not feasible, the RIF letter should be personally presented by a member of the management team who can discuss the reasons for the action and convey the FAA's regrets. Appendices 1, 2, and 3 contain a sample RIF notice, commonly asked questions and answers on severance pay, and general separation information to employees concerning their benefits.

45. APPEALS. Any employee who has been furloughed for more than 30 days, separated, or demoted by a RIF action may appeal to the Merit Systems Protection Board (MSPB). If the employee is in a bargaining unit, he/she may also file a grievance; but not both. If the negotiated grievance procedure excludes RIF, the employee may only appeal to the MSPB during the 30-day period beginning with the day after the effective date of the action being appealed. However, if the grievance procedure includes RIF, the employee may not appeal to the MSPB. The appropriate appeal or grievance rights and the time period must be specified in the RIF notice. (Further reference should be made to the provisions in FPM Supplement 351-1, Subchapter S8, and individual contract agreements.)

46. NATIONAL PROGRAMS FOR STAFF REDUCTION. Some staffing adjustments or reductions impact beyond a single region or center. In such cases, the Administrator may impose agencywide restrictions on hiring and promotions or take any other actions deemed appropriate.

47. REEMPLOYMENT PRIORITY LIST (RPL) PROGRAM.

a. Each employing jurisdiction is responsible for establishing procedures for monitoring the RPL program. The Office of the Secretary of Transportation requires cooperation and coordination among DOT operating administrations with respect to maintaining and using the Departmental RPL. Supplementary instructions are quoted below and shall be followed by all responsible officials in FAA:

(1) Whenever a DOT personnel office establishes a reemployment priority list, it shall automatically furnish copies of the list and SF-171's to the personnel office of any other DOT operating administration (including the OST) having offices or facilities in the same commuting area. All DOT offices and facilities within that commuting area must give the RPL registrants priority consideration over certain outside applicants when filling vacancies, whether or not any of their own employees are listed. The personnel office issuing the list must be notified whenever there is a change in the registrant's status. In turn, the issuing personnel office is responsible for notifying all other recipients of its list whenever a name is removed because of reemployment, declination of appropriate employment, or expiration of the individual's right to appear on the RPL. An RPL must also be established and maintained for nontemporary preference eligible employees separated by RIF from excepted positions.

(2) Subchapter 1 of FPM Chapter 330 sets forth the restrictions on filling positions that are imposed by the existence of a reemployment priority list. (Reference Section 1-9. of that subchapter for further information on the selection of employees and the request for granting exceptions.)

48. REPORTING REQUIREMENTS. There is an OPM requirement for the submission of quarterly staffing reports on reduction in force activities. The reports should be as complete and thorough as possible. In addition to the quarterly reports, there is an FAA requirement for the submission of information on all RIF activity through the human resource management division. This information should be provided to APN-1 within a month after the effective date of the RIF. In addition to the information specified in paragraph 21, the FAA report should include the following:

a. the actual effective date of the RIF;
b. the number of specific RIF letters issued;
c. the number of downgrades, separations, PPP and RPL registrations, discontinued service retirements, and reassignments that resulted;
d. number of and any information on appeals/grievances filed; and
e. adverse impact statement.

49. RETENTION OF RECORDS. The retention of the RIF and RPL records shall be in accordance with FAA's records management guidelines.

50.-55. RESERVED.

FIGURE 4-1. SAMPLE REDUCTION IN FORCE RETENTION REGISTER

SAMPLE RIF RETENTION REGISTER

DOT, FAA
WASHINGTON HEADQUARTERS
RETENTION REGISTER PROJECTED FOR
SPECIFIC NOTICE DATE
PRINTED

PERFORMANCE CODES

5 - Outstanding = 20 years
4 - Exceptional = 16 years
3 - Fully Successful = 12 years
2 - Partially Satisfactory = no credit
1 - Unsuccessful = no credit

COMPETITIVE AREA: NECC30
SERVICE: COMPETITIVE SERVICE
WORK SCHEDULE: FULL TIME
SUPERVISORY/NONSUPERVISORY: NONSUPERVISORY
COMPETITIVE LEVEL: GS-2154-07-015

SCD-RIF	NAME	POSITION NUMBER	POSITION TITLE	ORGANIZATION CODE	COMMENTS
1 AD +8	Employee A 1 Rating 92-09-28 3 Rating 91-04-25 3 Rating 90-03-31 SCD: 84-09-17 DOB: 24-03-11 SALARY: 25556	NE-3590	Air Traffic Assistant	NECC30	MIL RET D = 700331 (NOTE: If, by the time the specific RIF notice is issued, no final administrative decision has been made as to this employee's unsuccessful performance appraisal, he/she only gets credit the ratings received in 1991 and 1990.) (Reference FPM Supplement 351-1, S3-9.f. for additional guidance)
1 A					
38-09-23 +18	Employee B 4 Rating 92-04-22 4 Rating 91-04-15 5 Rating 90-04-03 SCD: 56-09-23 DOB: 37-06-02 SALARY: 28476	NE-3590	Air Traffic Assistant	NECC30	
48-01-06 +14	Employee C 3 Rating 92-05-12 4 Rating 91-06-17 3 Rating 90-04-03 SCD: 62-01-06 DOB: 39-10-11 SALARY: 35703	NE-3590	Air Traffic Assistant	NECC30	
62-09-30 +18	Employee D 5 Rating 92-05-11 4 Rating 91-06-21 4 Rating 90-03-31 SCD: 80-09-30 DOB: 52-12-09 SALARY: 25556	NE-3590	Air Traffic Assistant	NECC30	
65-11-01 +14	Employee E 3 Rating 92-05-10 4 Rating 91-06-17 3 Rating 90-04-16 SCD: 79-11-01 DOB: 34-08-04 SALARY: 26286	NE-3590	Air Traffic Assistant	NECC30	
1 B					
54-09-11 +18	Employee F 5 Rating 92-05-12 4 Rating 91-06-16 4 Rating 90-04-17 SCD: 72-09-11 DOB: 33-05-14 SALARY: 32551	NE-3590	Air Traffic Assistant	NECC30	
68-03-28 +16	Employee G 4 Rating 91-06-19 4 Rating 90-04-17 4 Rating 89-03-31 SCD: 84-03-28 DOB: 33-09-01 SALARY: 25556	NE-3590	Air Traffic Assistant	NECC30	MIL RET D = 751231
73-09-28 +14	Employee H 3 Rating 92-05-10 4 Rating 91-03-31 3 Rating 90-04-05 SCD: 87-09-28 DOB: 56-08-06 SALARY: 24826	NE-3590	Air Traffic Assistant	NECC30	
2 B					
77-11-16 + 12	Employee I 3 Rating 92-06-02 3 Rating 91-06-03 3 Rating 00-00-00 SCD: 89-11-16 DOB: 63-09-24 SALARY: 27016	NE-3590	Air Traffic Assistant	NECC30	

****
END OF COMPETITIVE LEVEL GS-2154-07-015

FINAL PAGE**********

COMPETITIVE AREA: NECC30*

TOTAL = 10

Figure 4-2. Sample RIF Retention Card

PART 1. Name (Last, First, Middle Initial)		
Position Title, Series, Grade	Tenure Subgroup on Date of RIF	Service Date (SCD) Adjusted for Performance Ratings
Action: ( ) Displaced ( ) Position Abolished	Comp. Level	Current Rating
PART 2. Displaced by (Last, First, Middle Initial)	Subgroup	Service Date (SCD)
Present Position Title, Series, Grade	Comp. Level	( ) Bump ( ) Retreat ( ) Reassign in Level
PART 3. Placement Offer: ( ) Bump ( ) Retreat ( ) Vacant Position	( ) Reassign In Competitive Level ( ) Furlough Until _____ ( ) Separation	
Offered Position Title, Series, Grade		Comp. Level
Person Displaced	Subgroup	Adj. Svc. Date (SCD)

Notes:

Instructions for Use:

1. Initially complete part 1 of the retention card for each position that is abolished (Action: Position Abolished)

2. Arrange cards in each subgroup order from highest to lowest. Within each subgroup, arrange cards according to adjusted SCD from highest to lowest.

3. As you identify the "assignment right" or "placement offer" of the first individual at the top of the stack of cards, complete part 3 of that individual's card. Identify whether the placement offer is that of "bump," "retreat," "vacant position," "reassignment within competitive level," or "separation" if no offer is available.

4. Prepare a new retention card for the person displaced as identified in PART 3 of #3. Place the new card in retention order. NO DETERMINATION IS MADE ON THAT INDIVIDUAL UNTIL YOU REACH HIS/HER NAME IN THE STACK OF CARDS.

5. The process continues. MAKE SURE YOU COMPLETELY ANNOTATE YOUR RETENTION REGISTER AS YOU GO ALONG. ALSO MAKE SURE YOU KEEP IN MIND THOSE EMPLOYEES WHO ARE ON TEMPORARY PROMOTIONS OR DETAILS. REMEMBER THAT THEIR JOBS OF RECORD ARE THE JOBS FROM WHICH THEY WERE PROMOTE OR DETAILED.

6. Once Part 3 has been completed on an employee, put the card aside. That is the information that will go into the specific RIF notice.

PART 1. **Arnold, James** Name (Last, First, Middle Initial)	**IAD** Tenure Subgroup on Date of RIF	**00-00-00** Service Date (SCD) Adjusted for Performance Ratings
Compliance Spec GS-301-9 (Intermittent) Position Title, Series, Grade		
Action: ( ) Displaced (X) Position Abolished	**9A** Comp. Level	**FS** Current Rating
PART 2. Displaced by (Last, First, Middle Initial)	Subgroup	Service Date (SCD)
Present Position Title, Series, Grade	Comp. Level	( ) Bump ( ) Retreat ( ) Reassign in Level
PART 3. Placement Offer: ( ) Bump ( ) Retreat ( ) Vacant Position	( ) Reassign In Competitive Level ( ) Furlough Until _____ (X) Separation	
Offered Position Title, Series, Grade		Comp. Level
Person Displaced	Subgroup	Adj. Svc. Date (SCD)

Notes: **SERVICE DATE CANNOT BE DETERMINED, SO OO-OO-OO IS USED. CANNOT BE ASSIGNED TO FULL-TIME POSITIONS PREVIOUSLY HELD**

PART 1. **Featherfield, Charles** Name (Last, First, Middle Initial)	**IA** Tenure Subgroup on Date of RIF	**04-28-55** Service Date (SCD) Adjusted for Performance Ratings
Budget Officer GS-560-12 Position Title, Series, Grade		
Action: ( ) (X) Position Abolished	**2A** Comp. Level	**FS** Current Rating
PART 2. Displaced by (Last, First, Middle Initial)	Subgroup	Service Date (SCD)
Present Position Title, Series, Grade	Comp. Level	( ) Bump ( ) Retreat ( ) Reassign in Level
PART 3. Placement Offer: (X) Bump ( ) Retreat ( ) Vacant Position	( ) Reassign In Competitive Level ( ) Furlough Until _____ ( ) Separation	
Supv Tech Serv Rep GS-301-11 Offered Position Title, Series, Grade		**4** Comp. Level
Reed, Dennis Person Displaced	**IB** Subgroup	**07-28-67** Adj. Svc. Date (SCD)

Notes:

CHAPTER 5. REQUESTING VOLUNTARY EARLY RETIREMENT AUTHORITY AND PROVIDING OUTPLACEMENT TRAINING

56. OPM RESPONSIBILITY. The Office of Personnel Management regulations may authorize voluntary early retirements for employees of an agency (or segment of an agency) who are serving in a designated geographic area when OPM determines that a major reorganization, or a major transfer of function (as determined by OPM) exists, or that a significant percentage of employees will be separated or subjected to an immediate reduction in their rate of basic pay. For purposes of this authorization, a major reduction in force, reorganization, or transfer of function exists when the agency can demonstrate that, without the authorization, 5 percent or more of the employees will be separated because of RIF or because of adverse action as a result of choosing not to transfer to a different commuting area, or 20 percent or more of the employees will be demoted. OPM will accept requests from agencies for approval authority for early option retirement for those affected and other eligible employees.

57. AGENCY RESPONSIBILITY. Upon receipt of the appropriate information, the Office of Personnel (APN) determines whether an FAA work force situation meets the stipulated criteria and is in compliance with the OPM guidelines specified in Appendix B of the FPM Supplement 351-1. When it is determined by APN that an appropriate percentage has been reached which meets OPM requirements, an approval request for voluntary early retirement will be submitted to the OPM through the Office of the Secretary of Transportation. All requests should be submitted well in advance of the proposed effective date of the RIF but no earlier than 9 months before the effective date. (Reference FPM Supplement 351-1, Appendix B, Section B-4 for the content of what should be contained in a request for such approval and specific criteria.)

58. REPORTING REQUIREMENTS. The Office of Personnel Management monitors the activity resulting from each voluntary early retirement authorization. The reports to OPM are due no later than 60 days after the planned expiration date of such authorization. (Reference Appendix B of FPM Supplement 351-1 for the information that has to be incorporated in each report.) The report should be forwarded to the Office of the Secretary of Transportation through APN-1.

59.-64. RESERVED.

CHAPTER 6. SEVERANCE PAY

65. COVERAGE. Employees who are involuntarily separated from Federal service may be eligible for severance pay.

a. Eligibles. To be eligible for severance pay, an employee must have completed at least 12 months of continuous service, and be serving on a full-time or part-time work schedule with a regularly scheduled tour of duty under one of the following qualifying appointments at the time of separation:

(1). A career or career-conditional appointment without time limitation in the competitive service, or its equivalent in the excepted service.

(2). A career executive assignment.

(3). A career appointment in the Senior Executive Service.

(4). An overseas limited appointment without time limitation.

(5). A status quo appointment, including one that becomes indefinite when the employee is promoted, demoted, or reassigned.

(6). A time-limited appointment in the Foreign Service, when the employee was assigned under a statutory authority that carried entitlement to reemployment in the same agency, but this right of reemployment has expired.

(7). A time-limited appointment that takes effect within 3 calendar days after the end of one or more of the qualifying appointments listed above.

b. Non-Eligibles. Those employees who are on any type of appointment with an intermittent work schedule and the following regardless of work schedule:

(1). Schedule C, or noncareer executive assignment appointment.

(2). Presidential appointment.

(3). An emergency appointment.

(4). A noncareer appointment in the Senior Executive Service.

(5). A time-limited appointment that is not made effective within 3 calendar days after separation from a qualifying appointment, including a term appointment, TAPER (temporary appointment pending the establishment of a register) appointment, a time-limited overseas appointment, a limited term or limited emergency appointment in the SES (or an equivalent appointment for similar purposes), and a limited executive assignment.

(6). Employees eligible for an immediate annuity (either voluntary or discontinued service retirement) from a Federal civilian retirement system, those in receipt of military retirement pay, or those in receipt of personal injury compensation.

(7). Employees who, at the time of separation, are offered and decline to accept a position that meets the definition of a reasonable offer (within the same commuting area, of the same tenure and work schedule, not lower than two grades or pay levels below the employee's current grade or pay level. NOTE: Do not consider grade or pay retention in this determination.

66. BASIC ENTITLEMENT.

a. Twelve Months Continuous Service. An employee must be on the rolls of one or more agencies under one or more appointments without time limitation (or temporary appointments that precede or follow an appointment without time limitation) without any break in service of more than 3 calendar days for at least the preceding 12 calendar months. (A period of separation during which an individual received severance pay is considered creditable toward determining 12 months continuous service if the severance pay was terminated due to the individual's reemployment in the Federal service.)

b. Failure to Accept Assignment. The separation of an employee who declines to accept assignment to another commuting area is considered to be an involuntary separation when the assignment is the result of, or in connection with, a transfer of function or a reduction in force situation. However, failure to accept an assignment that is part of a mobility agreement is not qualifying for severance pay purposes.

c. Resignation in Lieu of Involuntary Separation.

(1). An employee is considered to have been involuntarily separated for purposes of entitlement to severance pay when he/she is separated because of resignation after:

(a) Receipt of a specific notice in writing by his/her agency that he/she is to be involuntarily separated. Involuntary separation does not include removal for cause on charges of misconduct, delinquency, inefficiency, or failure to comply with mobility requirements in position descriptions or other written mobility agreements;

(b) Receipt of a general notice of reduction in force by his/her agency which announces that all positions in his/her competitive area will be abolished or transferred to another commuting area and his/her resignation is effective on a date which is not more than one year before the abolishment or transfer; or

(c) Receipt of a notice by his/her agency proposing to separate him/her for declining to accompany his/her activity when it is to be moved to another commuting area because of a transfer of function, facility closure, and when all positions in his/her competitive area are to be abolished or transferred to another commuting area within a period of not more than one year.

(2). When the facts and circumstances available to an agency show that a resignation is unrelated to the issuance of one of the notices specified above, separation of the employee by resignation is voluntary under the statute and he/she is not entitled to severance pay.

67. SEPARATION FROM QUALIFYING TEMPORARY APPOINTMENTS. Should an employee be offered and accept a temporary appointment to a position at a lower grade level in lieu of separation, he/she should be informed the severance pay to which entitled at the time of the separation will be computed at the lower basic rate of pay. The employees should be apprised of this, in writing, PRIOR to accepting the lower level position.

68. COMPUTATION OF SEVERANCE PAY. Severance pay consists of:

a. A basic severance allowance computed on the basis of one week's basic pay at the rate received immediately before separation for each year of creditable civilian service up to and including 10 years PLUS two weeks basic pay at that rate for each year of civilian service beyond 10 years. (NOTE: In computing years of service, credit is allowed ONLY for each full quarter of service. For example, 20 years and 11 months of service, equates to 20.75 years of total service,)

PLUS

b. An age allowance computed on the basis of 10% of the basic severance allowance for each year and quarter thereof over the age of 40 years at the time of separation. For example, an employee who is 42 yrs. 4 mos. old at the time of separation gets credit for 2.25% over age 40.

Ex. 10% x (total basic severance allowance) x 2.25%

NOTE: Creditable civilian service includes all service that is creditable in determining an employee's annual leave accrual rate, EXCEPT that periods of military service which do not interrupt otherwise creditable civilian service may NOT be counted. Figure 6-1, Sample Severance Pay Computations, contains examples of severance pay computations.

69. TOTAL SEVERANCE PAY. The total severance pay fund may not exceed an employee's annual salary.

a. The severance pay is paid at the same pay period interval the salary would normally be paid had the employee not been separated. The only deductions that are made from the severance pay are for taxes (Federal, State (if applicable), and Medicare. Contributions under the Federal Insurance Contributions Act (FICA) are made when appropriate.

b. No employee is EVER eligible to receive more than 52 weeks of severance pay. This is a LIFETIME limitation. For example, if an employee is RIFed in 1993 and receives 20 weeks of severance pay, is reemployed and is RIFed again in 1999, he/she can receive NO MORE than 32 additional weeks of severance pay. It is for this reason, that the official personnel records MUST BE PROPERLY DOCUMENTED .

FIGURE 6-1. Sample Severance Pay Computations

NOTE: In determining the weekly rate of pay, divide the annual salary by 2,087 for general schedule employees and 2,080 for wage grade employees to get the hourly rate. Multiply the hourly rate by 40 hours.

EXAMPLE ONE: An employee is age 50 yrs. 8 mos. old with 11 yrs. 5 mos. 15 days of creditable service. The employee is a GS-7/6, $25,556 per annum or $490.00 (weekly) or $980.00 (biweekly).

Basic Allowance

1 week per year for 1st 10 years, 2 weeks per year for years over 10, computed quarterly.

	$490.00	x	10 (1st 10 yrs. of service)	=	$4900.00
+	980.00	x	1.25 (svc. over 10 yrs.)	=	1225.00
			Basic allowance	=	$6125.00

Age Adjustment Allowance

10 percent per year for each year over 40, computed quarterly.

	$6125.00	Basic Allowance
x	.10	
	$ 612.50	Age Adjustment Allowance per year
x	10.50	Years of age over 40
	$6431.25	Age Adjustment Allowance
+	6125.00	Basic Allowance
	$12556.25	Total Severance Pay Fund

REMARK N22 FROM 296-33: Entitled to $12556.25 severance pay fund to be paid at the rate of $490.00 per week over (25) weeks and $306.25 for the 26th week, beginning (date).

EXAMPLE TWO: An employee is age 46 yr. 11 mos. old with 27 yrs. 10 mos. of creditable service. The employee is a GS-7/2, $22,636 per annum or $434.00 (weekly) or $868.00 (biweekly).

NOTE: This employee is NOT eligible for severance pay because he/she is eligible for an immediate annuity under the discontinued service retirement provisions (i.e., 25 years of service at any age).

FIGURE 6-1. SAMPLE SEVERANCE PAY COMPUTATIONS continued

EXAMPLE THREE: An employee is age 40 yrs. 11 mos. old with 21 yrs. 7 mos. of service. She is a GS-9/4, $29,477 per annum, $564.80 (weekly) or $1129.60 (biweekly). The employee was RIFFed once before during her Federal career and received 4 weeks of severance pay.

$ 564.80 x 10 (1st 10 yrs. of service) = $ 5648.00
$ 1129.60 x 11.50 (svc. over 10 yrs.) = $ 12990.40

Basic allowance = $ 18638.40

plus

Age allowance = 10% x $18638.40 x .75 = $1397.88

Total severance pay fund = $18638.40 + $1397.88 = $20036.28

Entitled to $20036.28 severance pay fund to be paid at the rate of $564.80 per week over 35 weeks, and $268.28 for the 36th week, beginning (date).

NOTE: This means that the employee will have received 40 weeks of the maximum (52 weeks) of severance pay. SHOULD THIS EMPLOYEE BE RIFed A THIRD TIME, SHE CAN RECEIVE NO MORE THAN 12 WEEKS OF SEVERANCE PAY. IN ADDITION, the total amount the employee received the first time added to the total fund of $18,638.40 <u>must not</u> exceed $29,477 which the annual amount received at the time of current separation.

THE ABOVE COMPUTATIONS REFLECT MANUAL CALCULATIONS. An easier method of computing the severance pay is by using the SERVICE and AGE FACTOR tables included in figures 6-2 and 6-3.

For example: An employee is age 40 yrs. 11 mos. old with 21 yrs. 7 mos. of service. She is a GS-9/4, $29,477 per annum, $564.80 (weekly) or $1129.60 (biweekly). The employee was RIFed once before during her Federal career and received 4 weeks of severance pay.

The factor from the Service Table for 21 yrs. (6-8 mos.) is 33.00.

The factor from the Age Table for 40 yrs. (9-11 mos.) is 1.075.

Basic allowance = $ 564.80 x 33.00 = $18,638.40
Total severance pay fund = $18,638.40 x 1.075 = $20,036.28

FIGURE 6-2. SEVERANCE PAY COMPUTATION - SERVICE TABLE

Use these tables in computing severance pay fund. To obtain severance pay fund, multiply the weekly pay rate by service table factor; then multiply the product by the age table factor. Regardless of the total severance pay fund derived through use of this table, total severance pay may not exceed 1 year's pay at the rate received immediately before separation.

Service Table

Yrs.	Mos.	Factor	Yrs.	Mos.	Factor	Yrs.	Mos.	Factor
1	0-2	1.00	9	3-5	9.25	17	6-8	25.00
1	3-5	1.25	9	6-8	9.50	17	9-11	25.50
1	6-8	1.50	9	9-11	9.75	18	0-2	26.00
1	9-11	1.75	10	0-2	10.00	18	3-5	26.50
2	0-2	2.00	10	3-5	10.50	18	6-8	27.00
2	3-5	2.25	10	6-8	11.00	18	9-11	27.50
2	6-8	2.50	10	9-11	11.50	19	0-2	28.00
2	9-11	2.75	11	0-2	12.00	19	3-5	28.50
3	0-2	3.00	11	3-5	12.50	19	6-8	29.00
3	3-5	3.25	11	6-8	13.00	19	9-11	29.50
3	6-8	3.50	11	9-11	13.50	20	0-2	30.00
3	9-11	3.75	12	0-2	14.00	20	3-5	30.50
4	0-2	4.00	12	3-5	14.50	20	6-8	31.00
4	3-5	4.25	12	6-8	15.00	20	9-11	31.50
4	6-8	4.50	12	9-11	15.50	21	0-2	32.00
4	9-11	4.75	13	0-2	16.00	21	3-5	32.50
5	0-2	5.00	13	3-5	16.50	21	6-8	33.00
5	3-5	5.25	13	6-8	17.00	21	9-11	33.50
5	6-8	5.50	13	9-11	17.50	22	0-2	34.00
5	9-11	5.75	14	0-2	18.00	22	3-5	34.50
6	0-2	6.00	14	3-5	18.50	22	6-8	35.00
6	3-5	6.25	14	6-8	19.00	22	9-11	35.50
6	6-8	6.50	14	9-11	19.50	23	0-2	36.00
6	9-11	6.75	15	0-2	20.00	23	3-5	36.50
7	0-2	7.00	15	3-5	20.50	23	6-8	37.00
7	3-5	7.25	15	6-8	21.00	23	9-11	37.50
7	6-8	7.50	15	9-11	21.50	24	0-2	38.00
7	9-11	7.75	16	0-2	22.00	24	3-5	38.50
8	0-2	8.00	16	3-5	22.50	24	6-8	39.00
8	3-5	8.25	16	6-8	23.00	24	9-11	39.50
8	6-8	8.50	16	9-11	23.50	25	0-2	40.00
8	9-11	8.75	17	0-2	24.00	25	3-5	40.50
9	0-2	9.00	17	3-5	24.50	25	6-8	41.00

FIGURE 6-3. SEVERANCE PAY COMPUTATION - AGE TABLE

Yrs.	Mos.	Factor	Yrs.	Mos.	Factor	Yrs.	Mos.	Factor
40	3-5	1.025	48	6-8	1.850	56	9-11	2.675
40	6-8	1.050	48	9-11	1.875	57	0-2	2.700
40	9-11	1.075	49	0-2	1.900	57	3-5	2.725
41	0-2	1.100	49	3-5	1.925	57	6-8	2.750
41	3-5	1.125	49	6-8	1.950	57	9-11	2.775
41	6-8	1.150	49	9-11	1.975	58	0-2	2.800
41	9-11	1.175	50	0-2	2.000	58	3-5	2.825
42	0-2	1.200	50	3-5	2.025	58	6-8	2.850
42	3-5	1.225	50	6-8	2.050	58	9-11	2.875
42	6-8	1.250	50	9-11	2.075	59	0-2	2.900
42	9-11	1.275	51	0-2	2.100	59	3-5	2.925
43	0-2	1.300	51	3-5	2.125	59	6-8	2.950
43	3-5	1.325	51	6-8	2.150	59	9-11	2.975
43	6-8	1.350	51	9-11	2.175	60	0-2	3.000
43	9-11	1.375	52	0-2	2.200	60	3-5	3.025
44	0-2	1.400	52	3-5	2.225	60	6-8	3.050
44	3-5	1.425	52	6-8	2.250	60	9-11	3.075
44	6-8	1.450	52	9-11	2.275	61	0-2	3.100
44	9-11	1.475	53	0-2	2.300	61	3-5	3.125
45	0-2	1.500	53	3-5	2.325	61	6-8	3.150
45	3-5	1.525	53	6-8	2.350	61	9-11	3.175
45	6-8	1.550	53	9-11	2.375	62	0-2	3.200
45	9-11	1.575	54	0-2	2.400	62	3-5	3.225
46	0-2	1.600	54	3-5	2.425	62	6-8	3.250
46	3-5	1.625	54	6-8	2.450	62	9-11	3.275
46	6-8	1.650	54	9-11	2.475	63	0-2	3.300
46	9-11	1.675	55	0-2	2.500	63	3-5	3.325
47	0-2	1.700	55	3-5	2.525	63	6-8	3.350
47	3-5	1.725	55	6-8	2.550	63	9-11	3.375
47	6-8	1.750	55	9-11	2.575	64	0-2	3.400
47	9-11	1.775	56	0-2	2.600	64	3-5	3.425
48	0-2	1.800	56	3-5	2.625	64	6-8	3.450
48	3-5	1.825	56	6-8	2.650	64	9-11	3.475
						etc.		

APPENDIX 1. SAMPLE REDUCTION IN FORCE NOTICE

This appendix contains a sample reduction in force notice that can be used. It includes optional statements that can be used (in a checklist format) depending on the individual employee circumstance and entitlements.

ACTION: Notice of Reduction in Force

Manager, Human Resource Management
Division, AXX-

Employee, Organization, Duty Location

It has become necessary to conduct a reduction in force (RIF) in your competitive area. Your name has been reached for RIF action. This reduction in force is necessary due to (specify the reason). This memorandum constitutes a specific RIF notice.

The retention rights of all employees concerned have been carefully considered. I regret to inform you that you will be released from your position of (title, pay plan, series, grade,) at (salary) per annum. (INSERT WHICHEVER IS APPLICABLE) Your name has been reached for a change to lower grade to the position of (title, pay plan, series, grade) OR, Your name has been reached for a reassignment to the position of (title, pay plan, series, grade) OR, A review of your personnel records, qualifications, and retention standing in relationship with other affected employees reveals that there is no position we can offer you.

The effective date of this action is . OR You will be separated from your position effective .

Your retention status information is as follows:

Competitive Area:
Type of Service:
Competitive Level:
Tenure Group:
Service Computation Date:
Last Three Performance Ratings (w/in 4-yr. period):
Adjusted Service Computation Date (which includes additional credit for the performance ratings):

(DEPENDING ON THE INDIVIDUAL CIRCUMSTANCES, optional statements that can be included in the specific notice are as follows):

_____1. Grade Retention: You will retain your current grade, step, and pay for a period not to exceed two years from the effective date of your demotion. You will be treated as being in the higher grade for future pay raises and benefit purposes.

_____2. Pay retention:

(a) Upon expiration of your entitlement to grade retention you will be entitled to pay retention if your current salary is higher than the top step of the position to which you are demoted. The retained pay will be the same pay you have been receiving except that the retained pay cannot exceed 150% of the top step of the position to which demoted. As long as your pay is higher than the top step of the position to which demoted, you will receive only 50% of comparability increases for the top step of the position to which demoted. Your pay retention will continue indefinitely until your salary catches up to your retained rate of pay, unless terminated by a break in service of one day or more, demotion for cause, request for change to lower grade or declination of offer of a comparable position.

(b) You are entitled to pay retention if your current salary is higher than the top step of the position to which you are demoted. The retained pay will be the same pay you have been receiving except that the retained pay cannot exceed 150% of the top step of the position to which demoted. As long as your pay is higher than the top step of the position to which demoted, your pay retention will continue indefinitely until your salary catches up to your retained rate of pay, unless terminated by a break in service of one day or more, demotion for cause, request for change to lower grade or declination of offer of a comparable position.

_____3. If you accept this offer, you will be reassigned/changed to lower grade effective (date). If you do not accept, you will be separated effective (date).

You may resign at any time after receipt of this notice, but no later than the effective date specified above. Should you resign, we have determined that you will/will not be eligible to receive severance pay. A further explanation of this entitlement is included in the attached material.

You have a right to review the retention register and other information upon which this RIF action is taken by contacting (name, title, location, telephone number). (Name) is also available to answer any questions you may have pertaining to your rights, RIF regulations and procedures, severance pay, retirement eligibility, outplacement opportunities, employment opportunities, etc.

If after examination of the register and pertinent information, you feel your rights have been violated, you may appeal to the Merit Systems Protection Board (MSPB), in writing, anytime during the 30-day period beginning with the day after the effective date of this action. A copy of the MSPB's regulations, including the MSPB appeal form and address, is attached.

OR

As a member of a bargaining unit covered by a negotiated grievance procedure, you may file a grievance under Article of the negotiated agreement within _____ days of the effective date of the reduction in force. A copy of the appropriate information is attached.

The attached Separation and Severance Pay Information packages contain information concerning your appeal rights, benefits, severance pay, and outplacement programs for which you may be entitled or eligible as the result of your separation. Please read the material carefully and contact
as soon as possible if you have questions or need further clarification.

Please examine your package and sign the attached statement acknowledging receipt of the specific RIF notice and the attachments on the same day they are received. In addition, please let me know within 7 days of your receipt of this notice whether you accept or decline this offer, and whether you wish to be enrolled in the Department's Reemployment Priority List, as

well as the Office of Personnel Management's Interagency Placement Program (IPP), by completing the appropriate statement and returning it to the proper address. Failure to accept the offer within the time limit will be considered a declination of the offer, and unless other employment becomes available, you will be separated effective

Please be assured that we have given full consideration to your qualifications and rights under the regulations. Nothing in this action should be construed as reflecting adversely upon your performance or conduct. We regret the necessity of this action.

We appreciate the assistance and service you have given the Federal Aviation Administration toward the accomplishment of our mission during your tenure with us.

Name of HRMO

Attachments (4)

Statement acknowledging receipt of the RIF notice and attachments thereto.
Statement of Acceptance or Declination of RIF Offer and Enrollment into Outplacement Assistance Programs.
Separation Information Material
Questions and Answers Concerning Severance Pay

EMPLOYEE:

ORGANIZATION:

This acknowledges receipt of the RIF notice and the attachments thereto: Statement acknowledging receipt of the RIF notice and attachments thereto.

Statement of Acceptance or Declination of RIF Offer and Enrollment into Outplacement Assistance Programs.
Separation Information Material
Questions and Answers Concerning Severance Pay

This acknowledgement does not effect my decision to accept or decline any position that I may be offered. I further understand that my enrollment into the Department's Reemployment Priority List and the Office of Personnel Management Intergency Placement Program is not mandatory nor is it is automatic.

_____ _____
Employee Signature Date

EMPLOYEE:

ORGANIZATION:

_____
I Accept the Offer Date

_____
I Decline the Offer Date

I wish to be registered in the Department's Reemployment Priority List Program

_____ Yes _____ No

APPENDIX 2. QUESTIONS AND ANSWERS CONCERNING SEVERANCE PAY

1. Q. Who determines whether I am entitled to severance pay?

   A. The separating agency makes this determination. If you are eligible, your agency advises you of the maximum amount of severance pay you may receive (referred to as the severance pay fund), the date payment will begin, and the number of weeks required to exhaust the severance pay fund.

2. Q. How do I know if I am eligible for severance pay?

   A. To be eligible for severance pay, you must be serving a regularly scheduled tour of duty (full-time or part-time) under one of the following types of appointments at the time of your separation:

   (1) A career or career-conditional appointment in the competitive service, or their equivalent in the excepted service;
   (2) A time-limited appointment that takes effect within 3 calendar days after the end of one or more of the qualifying appointments;
   (3) An excepted appointment without time limitation in the excepted service, EXCEPT a Presidential appointment, or an appointment filled by a noncareer executive assignment, or an appointment to a Schedule C position, or a noncareer Senior Executive Service position;
   (4) An overseas limited appointment without time limitation;
   (5) An appointment held as a status quo employee including an appointment by which you became an indefinite employee upon promotion, demotion, or reassignment;
   (6) A time-limited appointment in the Foreign Service to which you were assigned under a statutory authority that entitled you to reemployment in the same agency, but your right to reemployment had expired; or
   (7) A career appointment in the Senior Executive Service.

   In addition, you must have been continuously employed for at least 12 months, be separated from the Federal Service involuntarily, and not have declined a "reasonable offer".

3. Q. What constitutes a reasonable offer?

A. A reasonable offer is one that is in writing, one for which you are fully qualified, one that is within your commuting area (unless geographic mobility is a condition of employment that you accepted), one that is of the same tenure and work schedule; and one that is no more than two grades or pay levels below your current grade or pay level. In addition, if the offer made is in another pay system (i.e. wage grade), the representative rate of the new position must not be lower than the representative rate of the grade or pay level that is two grades below the grade of your current position.

4. Q. Is a refusal to accept an assignment to another commuting area ever a basis for denying severance pay?

A. Yes, but only when geographic reassignment is a condition of employment, as evidenced by the employee's position description or other written agreement or understanding providing for such assignments. In all other cases an employee who is separated because he/she declines to accept assignment to another commuting area is eligible for severance pay.

NOTE: If you previously accepted a reassignment to a new commuting area, your agency may consider you to be subject to mobility.

5. Q. My agency is transferring the function of which my position is a part to an installation located in a city 500 miles away. If I do not move with my position, I will be separated. The agency has offered to pay my moving expenses to the new location, but for personal reasons I do not wish to move. When I am separated, will I be entitled to severance pay?

A. Failure to accept such an assignment to a different commuting area in connection with a transfer of function(or reduction-in-force) situation is not a bar to severance pay. Therefore, if you are otherwise qualified, and are separated for declining reassignment in a transfer of function you are entitled to severance pay.

6. Q. If my function is contracted out and I accept a position with a successor contractor within 90 days after separation, will I lose my entitlement to severance pay?

   A. No. This ruling was changed effective March 28, 1990.

7. Q. If I resign will I be entitled to severance pay?

   A. Generally speaking, a resignation is a voluntary separation and would not entitle you to severance pay. However, there are three circumstances under which your resignation is considered <u>involuntary</u> for purposes of severance pay, provided you have not declined the offer of an equivalent position in your agency before separation and that you resign after receipt of:
   (1) A specific notice in writing by your agency that you are to be involuntarily separated and the separation is not because of misconduct, delinquency, or inefficiency;
   (2) A general notice of reduction-in-force by your agency which announces that all positions in your competitive area will be abolished or transferred to another commuting area and that your resignation is effective on a date which is no more than one year before the abolishment or transfer; or
   (3) A notice by your agency proposing to separate you for declining to accompany your activity when it is to be moved to another commuting area because of a transfer of function and when all positions in your competitive area are to be abolished or transferred to another commuting area within a period of no more than one year.

8. Q. What should I do if my agency determines that I am not entitled to severance pay, and I believe that I am?

   A. You should file a claim for pay with the Claims Division, General Accounting Office, Washington, DC 20548.

9. Q. If entitlement to an immediate annuity (one that begins within 1 month after separation) at the time of separation is a bar to severance pay, will my severance pay be discontinued if I become entitled to an annuity beginning at some later time?

A. No. The only provision for discontinuing or suspending severance pay applies to situations involving reemployment. The offer of equivalent employment at a later time, or entitlement to an annuity beginning at a later time, has no effect on your entitlement to severance pay.

10. Q. What if I start drawing severance pay but later become entitled to a disability annuity?

A. Since the disability annuity will be retroactive to the date of your separation from the service, you will have to return all severance pay that you received.

11. Q. How is the amount of my severance pay determined?

A. Your severance pay is determined based on your basic rate of pay at the time of separation, years of creditable service (basic allowance), and age. You are eligible for an additional amount (age allowance) if you are over the age of 40 at the time of separation.

The formula for computing your severance pay is as follows:

Basic allowance: 1 week's basic salary for each year of creditable service up to the first 10 years + 2 weeks' basic salary for each year and quarter thereof of creditable service beyond 10 years.

Age allowance: (only applies if you are over age 40 and quarter thereof at the time of separation) computed as 10% x the basic allowance x number of years and quarters thereof over age 40.

Example: If you are 45 years old with 20 years 7 months creditable service, and your basic weekly salary is $450.00, your severance pay is be computed as follows:

$ 450.00 x 10 (1st 10 years)	=	$ 4500.00
+ $ 900.00 x 10.5 (svc. over 10 yrs.)		$ 9450.00
Basic Allowance	=	$ 13950.00
Age Allowance = 10% x $13950 x 5	=	$ 6975.00
Severance Pay Fund	=	$ 20925.00

Will receive $450.00 for 46 weeks and $225.00 for the 47th week.

12. Q. What constitutes "basic rate of pay" ?

A. Basic rate of pay is the rate of pay fixed by law or administrative action for the position held by an employee, including, as applicable, annual premium pay for standby duty under 5 USC 5545(c)(1), night differential for prevailing rate employees under 5 USC 5343(f), and any interim geographic adjustment under section 302 of the Federal Employees Pay Comparability Act of 1990 (PL 101-509) or locality-based comparability payment under 5 USC 5304, but not including additional pay of any other kind (i.e., other than standby premium pay, ATRA, Sunday or night differential, demonstration pay, holiday pay, environmental differential).

13. Q. What is creditable service? Does it include military service?

A. Creditable service for severance pay purposes is any service which is creditable for leave accrual purposes, including military service, provided the military service INTERRUPTS otherwise creditable civilian service. For example, if while employed by the FAA you were activated for military service for Desert Storm and then returned to the FAA without a break in service, the time spent in military service would be creditable military service for severance pay computation. Military service which precedes civilian is not creditable for severance pay purposes.

14. Q. What method of payment is used?

A. As a separated employee you receive from the Treasury Department a check for approximately the same amount as you received from your agency at the same intervals before until you are either reemployed or your severance pay fund is exhausted. In other words, you will receive your severance pay check around the normal paydays.

15. Q. Is there any limit on the amount of severance pay I can receive?

A. Yes. The total severance pay you are eligible to receive is limited to one year's pay at the rate of pay you received before separation. This is a lifetime limitation. Therefore, if you are in a position to receive severance pay a second time, your severance pay cannot continue after the sum of the two periods reaches 52 weeks.

Suppose, as in Question No. 6, the total severance pay to which you are entitled is $20,925. Because your weekly pay at the time of separation is $450.00, it will take 47 weeks to pay you your entire severance pay. After receiving severance pay for 30 weeks, you are reemployed in the Federal Government under an appointment without time limitation, and the severance pay is terminated. You work for three full years and are again separated under circumstances entitling you to severance pay. You are now 48 years of age and have 23 years of creditable service. At the time of your second separation your basic weekly pay is $623.57. Your severance pay fund is computed as follows:

$623.57 x 10 (1st 10 yrs) =		$6,235.70
$1247.14 x 13 (add'l yrs)=	+	$16,212.82
Basic Allowance	=	$22,448.52

Age allowance = 10% x $22,448.52 x 8 = $17,958.82

Severance pay fund: $22,448.52 + 17,958.82
$40,407.34

The severance pay fund equals $40,407.34. It will take 65 weeks to pay you your entire severance pay. However, since total severance pay may not exceed 52 weeks, and since you have already received 30 weeks of severance pay, you are entitled to only 22 weeks of severance pay at $623.57 a week.

16. Q. As a reservist, I have received my call-up notice. Will I be entitled to severance pay?

A. No. Separation to enter the military service does not entitle an employee to severance pay.

17. Q. Is entitlement to unemployment compensation a bar to severance pay?

A. No.

18. Q. Am I entitled to severance pay if I am receiving employees' compensation for a job-related injury?

A. No. The only exceptions to this are: (1) if you are in receipt of injury compensation concurrently with your pay, or (2) if you are in receipt of compensation as the result of someone else's death (death benefits).

19. Q. Will my severance pay, and the period covered by the severance pay, be creditable for retirement or leave accrual purposes?

    A. No, because when a person receives severance pay he/she is no longer a Federal employee.

20. Q. If I die during the period before my severance pay fund is exhausted, what happens to the balance?

    A. Payments will continue to be made at the same rate and interval to your survivors or beneficiaries until your fund is exhausted. This money will not be paid to your estate in a lump sum.

21. Q. What is the authority for paying severance pay?

    A. The severance pay statute is section 5595 of title 5, United States Code; the severance pay regulations issued by the Office of Personnel Management are in subpart G of part 550 of title 5, Code of Federal Regulations.

22. Q. Where can I get additional information about severance pay?

    A. The Human Resource Management Division or the Office of Personnel Management will answer any other questions you have about severance pay.

APPENDIX 3. SEPARATION INFORMATION

If you are to be separated by Reduction-in-Force (RIF) procedures, there are certain rights and benefits to which you are entitled by law and OPM:

1. Accrued and Accumulated Leave

   Upon approval, any accrued and accumulated annual leave to which you are entitled could be used between now and your proposed date of separation. Any balance of leave to your credit at the time of separation will be paid to you in a lump sum.

   Any accrued and accumulated sick leave remaining to your credit as of the date of separation will "remain on the books" for a period of three (3) years after separation. Should you be reemployed within the 3-year period, you can receive credit for the sick leave provided you are reemployed under the leave system. YOU ARE NOT ENTITLED TO A LUMP SUM PAYMENT FOR REMAINING SICK LEAVE.

2. Unemployment Compensation for Federal Employees

   State unemployment insurance laws are not uniform and generally vary from State to State. Your entitlement is determined by the law of the State in which you had your last "official duty station" in Federal employment. To file a claim, you will need to take to the nearest State employment service your personnel action separating you, a completed Standard Form 8 (SF-8), Unemployment Compensation for Federal Employees (UCFE) Program Notice, your social security card, and an earnings and leave statement verifying your employment. If unemployment compensation is denied, the appeal procedures are on the back of the SF-8.

3. Severance Pay

   Most employees who are involuntarily separated from the service are entitled to severance pay, with certain exceptions listed below.

   The amount of severance pay is determined by multiplying your basic weekly salary by the number of years of creditable service (two weeks basic pay is used for any years of service in excess of ten), and the entire amount is increased by ten percent for each year that a person is over 40 years of age.

The total may not exceed one year's pay. After separation, severance pay is paid in approximately the same amount and at the same intervals as regular pay, until the amount due to an individual is exhausted. Of course, there are no deductions for retirement, or life and health insurance.

In general, an employee is eligible for severance pay upon involuntary separation if he or she has been employed continuously for at least 12 months and is serving under a non-temporary type of appointment. The following categories of employees are not eligible:

1. Presidential appointees and Schedule C employees.
2. Employees who are eligible for immediate annuity or other pay from the Government (i.e., military retired pay, personal injury compensation).
3. Employees who are separated for misconduct or inefficiency.
4. Employees who decline an offer of a position with the same tenure and pay in the same commuting area.
5. Employees who decline an assignment to another commuting area when such relocation is a condition of employment.

4. Federal Employees Group Life Insurance

If you leave the Government service, you are entitled to convert your Basic Life Insurance or Basic Life plus Options A, B, or C to an individual direct pay policy, unless, within three days after the date your insurance terminates you return to a Government position in which you are eligible to re-acquire the FEGLI. This conversion is a private transaction between you and the insurance company you select. You have 31 days after your life insurance terminates or 15 days after the date you receive such notice (whichever is longer) in which to convert. If you have Option C, Family Coverage, and do not want to convert, your eligible family members may do so within 31 days of the date of your separation or 15 days after the date of your separation notice, whichever is longer. No medical examination is required when converting the Basic Life or Options A, B, or C insurance coverage.

5. Federal Employees Health Benefits Program

31-day Free Extension Coverage

Your coverage under the Health Benefits Program will be extended temporarily for 31 calendar days from the effective date of the termination of your health benefits (#8 of the SF-2810, Notice of Change In Health Benefits Enrollment).

This temporary extension of coverage will be without contributions by you or the Government. However, if you are confined in a hospital on the 31st day of your temporary extension, your benefits will continue without cost for an additional maximum of 60 days of continuous hospital confinement or until the day you are released, whichever occurs first. A release from the hospital at any time before the completion of the 60-day maximum period immediately terminates the additional coverage. The same temporary extension applies to any family member covered by your enrollment.

18 Month Temporary Continuation of Coverage

In addition, to the 31-day free coverage referenced above, when you separate from service, you may choose to continue FEHB coverage for a period of 18 months after your separation. If you take advantage of this temporary continuation of coverage option, you must pay both the employee and the employer share of the health benefits premium plus an administrative charge of 2 percent of the premium. You can choose to enroll in the same plan you had at separation or any other plan, option, or type of enrollment for which you are eligible. This temporary continuation of coverage begins as soon as the 31-day free extension of coverage (mentioned above) ends regardless of when you elect it.

Your agency is required to notify you about your eligibility for temporary continuation of coverage within 60 days after you separate. You have 60 days after receiving the notice to enroll. If you enroll after the 31-day free extension expires, your enrollment will be retroactive to the expiration of the 31-day free extension and you will be billed for the retroactive coverage.

Further information about temporary continuation of coverage from the pamphlet, "Temporary Continuation of Coverage (TCC) under the Federal Employees Health Benefits Program" (RI 70-27), is available through your human resource management division.

Conversion Privilege

If you do not want to continue your health benefits coverage under the temporary continuation provision specified above, you may convert to an individual (non-group) contract without evidence of good health. The non-group contract is only available through the plan in which you are enrolled at the time of separation. The instructions for doing so are on the

back of the SF-2810 form that your human resource management division will give to you. On the other hand, if you do decide to continue your health benefits coverage under the temporary continuation provision, you will have another opportunity to convert to an individual contract at the end of the 18-month period.

If you convert to the individual contract, you must pay the entire cost of coverage and your benefits may be less than your previous coverage. The insurance carrier is obligated to provide specifics about your coverage and the cost. In addition, they must provide coverage regardless as to any health problems you or your covered family members may have.

6. Reemployment Priority List (RPL)

The RPL is primarily a post-RIF program that gives separated employees priority consideration over applicants outside the Department for positions filled by the Department or any modal, thereof. If you are a career or career-conditional employee or on a non-temporary excepted appointment, have received a written RIF notice that you are to be separated from the service, and have not declined an assignment to a non-temporary, competitive service position at a rate of pay no lower than that of the position from which separated, you are eligible to have your name placed on the Department of Transportation RPL. You will receive priority consideration for DOT vacancies in your commuting area up to and including the grade level you are at the time of separation. If you have career tenure, you will remain on the RPL for two years after the date of separation. If you have career-conditional tenure, you will remain on the list for one year. You may be removed earlier for any of the following reasons:

1. Upon your written request.
2. You accept a non-temporary appointment in the competitive service.
3. You decline an offer of a non-temporary appointment to a position in the competitive service in the commuting area and the position has a rate of pay no lower than that of the position from which separated.

7. Office of Personnel Management (OPM) Interagency Placement Program (IPP)

The IPP program replaces the OPM Displaced Employee and the Interagency Placement Assistance Programs. This program is available for employees who have received a reduction in force notice or have been separated from their positions. The registrants of the IPP program receive special employment consideration by agencies that seek to fill vacancies by competitive appointment using OPM applicant lists. As a registrant, you will receive employment consideration ahead of applicants who have never held a Federal position. You will be referred for vacancies for which you qualify at or below the grade from which you were or are being separated. You may enroll for IPP assistance for up to 3 job series for which you qualify and 5 geographic locations.

You are eligible to enroll in the IPP program if you are career or career-conditional, or an excepted service (not Schedule C) employee with competitive status and: you have received a certificate of expected separation or a specific separation notice, or, you have declined to transfer with your function to another commuting area or you declined to accept a directed reassignment, or, you receive compensation for work-related injuries from the Office of Workers' Compensation Program and your agency is unable to place you, or, you receive an OPM disability annuity or have retired under the discontinued service option. Regardless as to the circumstance, all registrants' last performance rating of record must have been above unsatisfactory. The agency is required to verify the last performance rating prior to registering an employee for the IPP program.

You can apply for the IPP as soon you receive a specific RIF notice or other notice of displacement (e.g., Certificate of Expected Separation), but not later than 90 days after you separate. On the other hand, if your reason for leaving the Federal service is voluntary (i.e., early out retirement, voluntary retirement, voluntary resignations, etc.), you are not eligible to register in the IPP program.

To apply, you must complete 1) a registration form (OPM form 1478, Application to Register for Outplacement Assistance) which will provide basic information about you and the series, grades, and geographic locations for which you want to be considered; 2) a qualifications summary that lists your experience, training and education to support the series and

grades for which you register; and 3) proof of displacement on which your eligibility is based (e.g., separation notice/certificate, separation SF-50). You are not required to submit an application at the time of registration, however, you will be required to submit an application at the time of appointment.

If you want more information concerning this program, or want to register for the program, you should contact your Human Resource Management Division (HRMD) for the pamphlet and assistance in completing the registration forms.

8. Examination of Records and Regulations

RIF regulations, retention preference regulations, and the retention registers which are relevant to your case are available for examination in your HRMD. If you do not understand the application of the regulations as they affect you, or if you wish to furnish additional facts which appear to have a bearing on your case, contact your HRMD for guidance.

9. Reduction in Force Appeals

If you believe that the reduction in force regulations have not been properly applied in your case, you may appeal the RIF action to the Merit Systems Protection Board (MSPB). If you are in a bargaining unit, you may file a grievance; but not both. However, if the negotiated grievance procedure includes RIF, you may not appeal to MSPB. If you choose to grieve, you must follow the procedures within the time frame specified in the negotiated agreement. If the negotiated agreement excludes RIF, you may not grieve, but can appeal to MSPB. If you choose to appeal, you must do so during the 20-day period beginning after the effective date of the action being appealed.

A copy of the MSPB Appeals Form, regulations, and addresses are attached. All appeals should be addressed to the Chief Appeals Officer, Merit Systems Protection Board, according to the geographic region of the employing jurisdiction.

10. EEO Discrimination

If you believe that you have been discriminated against because of your race, color, national origin, sex, religion, age, or physical or mental handicap, or are a victim of reprisal for engaging in previous equal employment opportunity

(EEO) activity, you may pursue a complaint of discrimination either under specified grievance procedures (if a member of a bargaining unit) or with MSPB. If you are a member of a bargaining unit, and decide to file under the grievance procedures, you must follow the procedures and time limits specified in your union agreement. Otherwise, you can file an appeal with MSPB during the 20-day period beginning with the day after the effective date of the action being appealed. Additional information can be obtained from your HRMD.

APPENDIX 4. COMPETITIVE AREAS FOR FAA HEADQUARTERS

This appendix specifically defines the competitive areas for the FAA headquarters for reduction in force purposes and clearly defines the Washington, D.C. commuting area. The provisions of this appendix do not apply to the career appointees in the Senior Executive Service. Reference DPM Supplement 920-1, Appendix J.

I. Definition of Washington, D.C. Commuting Area

The Washington, D.C. commuting area is defined as within a 35-mile air radius from the Washington headquarters building. This includes those headquarters employees located at Dulles, Virginia, and Hangar 6. The competitive areas for those headquarters employees located in other outlying geographic locations specified in section III below are in their own separate competitive areas within the respective commuting areas.

II. FAA Washington Headquarters Competitive Areas

Agency Codes	Organizations
WA01	Office of the Administrator, AOA Office of the Deputy Administrator, ADA
WA02	Office of Government and Industry Affairs, AGI Office of Public Affairs, APA
WA03	Office of Civil Rights, ACR Assistant Administrator for Human Resource Management, AHR
WA04	Office of Information Technology, AIT
WA05	Assistant Administrator for Budgeting and Accounting, ABA Office of Accounting, AAA Office of Budget, ABU
WA06	Office of the Chief Counsel, AGC
WA07	Assistant Administrator for Airports, ARP Office of Airport Planning and Programming, APP Office of Airport Safety and Standards, AAS
WA08	Executive Director for Systems Operations, AXO (immediate office)

WA09	Assistant Administrator for Civil Aviation Security, ACS Office of Civil Aviation Security Intelligence, ACI Office of Civil Aviation Security Operations, ACO Office of Civil Aviation Security Policy and Planning, ACP Office of Civil Aviation Security Program Management, ACZ
WA10	Assistant Administrator for Policy, Planning, and International Aviation, API Office of Aviation Policy, Plans, and Management Analysis, APO Office of Environment and Energy, AEE Office of International Aviation, AIA
WA11	Associate Administrator for Air Traffic, AAT Air Traffic Plans and Requirements Service, ATP Office of Air Traffic Program Management, ATM Office of Air Traffic Rules and Procedures Service, ATR Office of Air Traffic System Effectiveness, ATH Office of Air Traffic System Management, ATZ Office of System Capacity and Requirements, ASC
WA12	Associate Administrator for Airway Facilities, AAF Program Director for Resources Management, AFZ Program Director for Operational Support, AOS Program Director for NAS Operations, AOP Program Director for NAS Transition and Implementation, ANS Office of Spectrum Policy and Management, ASR Program Director for Requirements and Life-Cycle Management, ALM

WA13	Associate Administrator for Aviation Standards, AVS Office of Accident Investigation, AAI Office of Aviation Medicine, AAM
WA14	Associate Administrator for Regulation and Certification, AVR Aircraft Certification Service, AIR Flight Standards Service, AFS Office of Rulemaking, ARM
WA15	Executive Director for System Development, AXD Associate Administrator for NAS Development, AND Program Manager for Advanced Automation, AAP Program Director for Automation, ANA Program Director for Communications, ANC Program Director for Navigation and Landing, ANN Program Director for Surveillance, ANR Program Director for Weather and Flight Service Systems, ANW Associate Administrator for System Engineering Service, ASD Facility System Engineering Service, AFE NAS Program Management Service, APM NAS System Engineering Service, ASE Operations Research Service, AOR Research and Development Service, ARD Associate Administrator for Contracting and Quality Assurance, ASU Executive Director for Acquisition and Safety Oversight, AXQ Office of Acquisition Policy and Oversight, ACQ
WA16	Associate Administrator for Aviation Safety, ASF Office of Integrated Safety Analysis, ASA Office of Safety Information and Promotion, ASP

III. Other Headquarters Competitive Areas.

Listed below are other headquarters organizations that are in their own separate competitive areas for RIF purposes:

Air Traffic

ATH-130	Ft. Worth, Tx
ATH-140	Seattle, WA
ATH-150	Atlanta, GA
ATM-410B	Langley AFB, VA
ATM-410C	Randolph AFB, TX
ATM-410D	Tinker AFB, OK
ATM-410E	Norfolk, VA
ATM-410F	Peterson AFB, CO
ATM-410G	March AFB, CA
ATM-410H	Tyndall AFB, FL
ATM-410I	Griffis AFB, NY
ATM-410J	McCord AFB, WA
ATM-410K	Homestead AFB, FL
ATM-410L	Riverside, CA
ATZ-400	Oklahoma City, OK

Airway Facilities

AOS-30/300/400/500	Atlantic City, NJ
AOS-200	Oklahoma City, OK

Aircraft Certification

AIR-100	Seattle, WA
AIR-100	Long Beach, CA
AIR-100	Hawthorne, CA
AIR-200	Burlington, MA
AIR-400	Brussels, Belgium

Flight Standards

AFS-4	Scott AFB, IL
AFS-6/14/60.9R/200/205	Renton, WA
AFS-30	Queens, NY
AFS-60.1A	Ft. Worth, TX
AFS-60.38	Kansas City, MO
AFS-60.2R	Long Beach, CA
AFS-60.7L	Burlington, MA
AFS-600/AVN	Oklahoma City, OK
AVN	Anchorage, AK
AVN/AFS-205	Atlanta, GA
AVN	Atlantic City, NJ
AVN	Battle Creek, MI
AVN	Frankfurt, GE
AVN	Honolulu, HI

AVN	Sacramento, CA
AVN	Tokyo, Japan
AFS-205	St. Ann, MO
AFS-205	Coraopolis, PA
AFS-205	Minneapolis, MN
AFS-205	Dallas, TX
AFS-205	Los Angeles, CA

Aviation Security

ACI-300	El Paso, TX
ACO-120	Denver, CO
ACO-120	Seattle, WA
ACO-220	various domestic airports (if co-located with or in the same commuting area as other headquarters Aviation Security organizations, they fall w/in the same competitive area)
ACO-900	4-5 European locations (each is w/in its separate competitive area)
ACS-30	various foreign locations (each represents a separate competitive area)
ACZ-220	Oklahoma City, OK

Aviation Medicine

CAMI	Oklahoma City, OK

International Aviation

ALC-1	Miami, FL
ALC-1	Brazil
ALC-1	Ft. Worth, TX
AIA-1	Anchorage, AK
APC-1	Singapore
APC-1	Tokyo
AEU-1	several foreign locations (employees are in 4 organizations [API, AAT, ARD, AVN] and each geographic location is a separate competitive area)

Other Organizations

ADA-20A	Martinsburg, W. Va.
ADA-20B	Hampton, GA
ADA-20C	Longmont, CO

AIT-300	Anchorage, AK
ARD-1	Atlantic City, NJ
ASU-20	Anchorage, AK
ASU-421	Pottstown, PA
ASU-422	Ronkonkoma, NY
ASU-423	Baltimore, MD
ASU-425	Greensboro, NC
ASU-426	Kansas City, MO
ATQ-1	Atlantic City, NJ

*U.S. G.P.O.:1995-387-549:114