### Reduction in Force RIF Mechanics Part 2

March/April 2025



#### The Reduction in Force (RIF) Learning Series

RIF Policy Advisory Team
Workforce Policy and Innovation
U.S. Office of Personnel Management



## **Housekeeping Items**

- A copy of the presentation will be posted on OPM's <u>Reductions in Force (RIF)</u> Resources and Templates page.
- Ask questions in the Q&A, but please wait until a topic is covered so you're not posting a question that's already been answered. We have built in time at appropriate points to take questions.
- We'll respond to as many questions as we can; however, we cannot answer agency-specific scenario questions.
- We are recording today's session and will post the recording at a later date on OPM's <u>Reductions in Force (RIF)</u> Resources page.



## Agenda

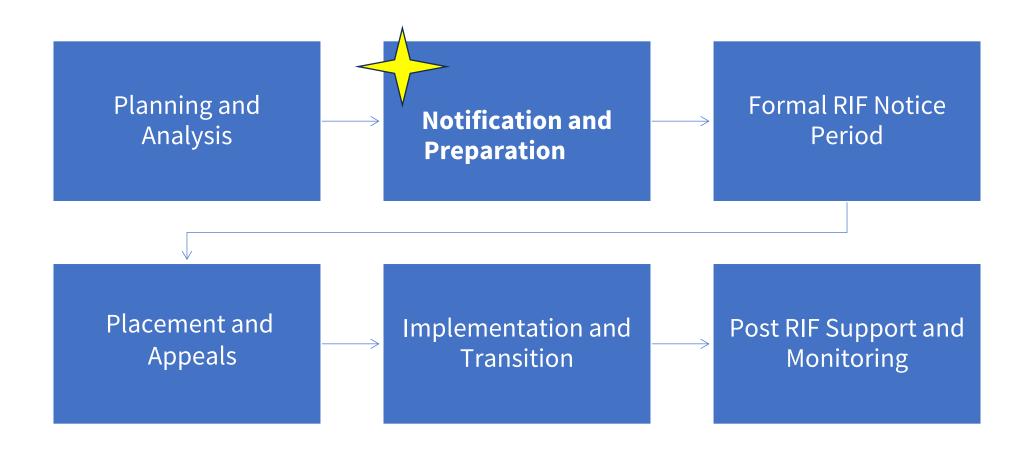
- Key Terms
- Retention Factors and Retention Registers
- Assignment Rights (Bump and Retreat)
- RIF Notices
- Wrap-up: Final Questions & Resources



## **Key Terms**



#### **RIF Process**





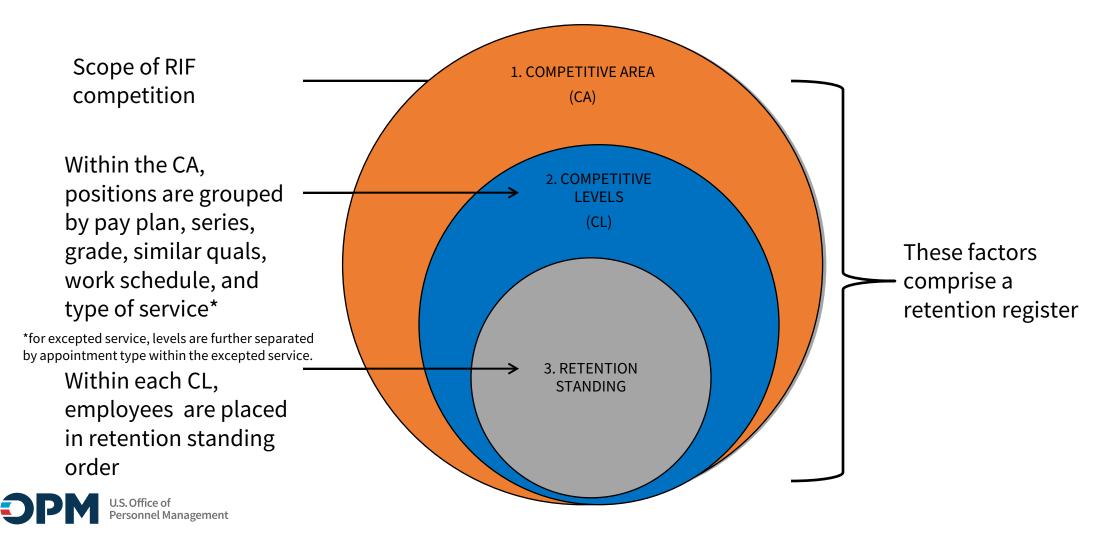
## **Key Terms in RIF (1 of 2)**

- These terms apply mainly to RIF:
  - Competitive area (\*\*Organizational or Geographical)
  - Competitive level
  - **Retention factors**
  - Retention register
- Positions in the competitive area are organized by competitive levels
- Retention factors are then applied to each potentially affected employee in that competitive area to create a retention register.

<sup>\*\*</sup>Organizational- a subdivision of the agency under separate administration. Geographical – by commuting area (could be local commuting area or nationwide)



## **Key Terms in RIF (2 of 2)**



## The Mechanics of RIF - Part 2



# Retention Factors and Retention Register



#### **Retention Factors**

Within a Competitive level, in a Competitive Area, employees are arranged in order of four retention factors:

- 1. Tenure (e.g., career, career-conditional)
- 2. Veterans' Preference
- 3. Length of Service
- 4. Length of service as adjusted for Performance Credit



### 1. Tenure Groups

#### **Competitive service**

I = Career

II = Career-conditional

III = Term, Indefinite

#### **Excepted service**

I = Permanent

II = Serving trial period

III = Time-limited, Indefinite

Note: Most temporary employees are in Tenure Group 0 (no RIF rights)



#### 2. Veterans' Preference for RIF

Veterans'
preference for
RIF requires
release or
discharge from
active duty from
the armed forces
under honorable
conditions, and:

Served during the period 04/28/52 to 07/01/55;

Served for more than 180 consecutive days during the period 01/31/55 before 10/15/76; or between 09/11/01 and 08/31/10;

Served between 8/2/90 to 1/2/92;

Received a campaign badge or expeditionary medal;

Has a service-connected disability;

Is entitled to derived preference (spouse, widow, widower, and parent); or

Is entitled to Sole Survivorship preference per 5 U.S.C. 2108(3)



## 2. Veterans' Preference for RIF (2 of 2)

- A military retiree below the rank of major is not a preference eligible for RIF unless:
  - Retirement was based on combat disability; or
  - Retirement was based on less than 20 years of service; or
  - Retiree has been a Federal employee continuously since 11/30/64
- A military retiree at/above the rank of major is not a preference eligible for RIF unless:
  - They are disabled veterans as defined in 5 U.S.C. 2108(2) (includes XP, CP, and CPS); and
  - Meet the criteria above for those retired below the rank of major



## **Veterans' Preference Subgroups**

**Subgroup AD** = Preference eligible with a 30% or more service-connected disability

**Subgroup A** = Preference eligible **for RIF** • Employees eligible for derivative

• Preference eligible not in subgroup AD

 Employees eligible for derivative preference

**Subgroup B** = Not a preference eligible **for RIF** and non-veterans



## Questions



## 3. Length of Service – Creditable for RIF

- **Total** Federal and military service (not just service in the current agency)
  - Retired military service is limited to only service in a war or campaign or expedition
- Service Computation Date (SCD)

"Length of Service" is sometimes referred to informally as "seniority"



#### 4. Performance Credit

- Credit assigned to the three most recent ratings of record received within the previous 4 years.
- Each rating equals a number of years' credit.
- Rating credits are averaged and rounded up to the next whole number.

Standard Rating Pattern

- Outstanding = 20 years
- Exceeds fully successful = 16 years
- Fully successful = 12 years

Mixed Rating Patterns

 Agency sets values for each rating pattern between 12 and 20

No Credit

No credit for less than fully successful rating



## **Performance Credit – Patterns of Summary Levels**

Pattern	Summary Level					
	1	2	3	4	5	
Α	X		X			
В	X		X		X	
С	Χ		Χ	Χ		
D	X	X	X			
Е	Χ		Χ		Χ	
F	X	X	X		X	
G	Χ	X	Χ	Χ		
Н	Χ	Χ	Χ	Χ	Χ	

Source: 5 CFR 430.208(d)



## **Example of Establishing Service Credit with Multiple Patterns of Summary Levels**

	Level 1 (Unacceptable)	Level 2 (Minimally Satisfactory)	Level 3 (Fully Successful)	Level 4 (Exceeds Fully Successful)	Level 5 (Outstanding)
Rating Pattern A	0	n/a	16 years	n/a	n/a
Rating Pattern B	0	n/a	14 years	n/a	18 years
Rating Pattern C	0	n/a	14 years	17 years	n/a
Rating Pattern D	0	0	16 years	n/a	n/a
Rating Pattern E	0	n/a	12 years	16 years	20 years
Rating Pattern F	0	0	14 years	n/a	18 years
Rating Pattern G	0	0	14 years	17 years	n/a
Rating Pattern H	0	0	12 years	16 years	20 years



**Provided as an example.** Agencies have the discretion to set the number of years of service credit for each rating pattern, A-G, which must be uniformly and consistently applied within a competitive area.

## **Performance Credit – Missing Ratings**

#### Less Than Three Ratings of Record.

If an employee received one or two, but not three ratings of record during the applicable 4-year period, the agency gives credit for performance on the basis of the actual rating(s) of record divided by the number of actual ratings received.

Example

Rating 1: Fully Successful = 12 years

Rating 2: Exceeds Fully Successful = 16 years

Average rating will be calculated as 14 years

(12 + 16 = 28 divided by 2)



## Performance Credit - No Ratings-Modal Rating

- *Modal Rating*. If an employee **did not receive any ratings** of record during the applicable 4-year period, the agency gives retention credit on the basis of a single "Modal Rating" for the employee's summary level pattern.
- The modal rating is the most frequently-occurring rating given in the competitive area (or larger subdivision) during the appraisal cycle immediately preceding the RIF.
- The agency determines the modal rating on the basis of its most recently completed available ratings.



## Performance Credit - Modal Rating Example

Within the competitive area, assume that 100 employees received ratings during the most recent performance cycle, and the results were as follows:

Outstanding = 20 ratings Exceeds Fully Successful = 38 ratings Fully Successful = 30 ratings
Minimally Successful = 12 ratings

The modal rating (most frequently occurring) in this case is **Exceeds Fully Successful.** 

Any employees who had no performance ratings would receive credit for 16 years (the value of an Exceeds Fully Successful rating) for performance.

Standard Rating
Pattern

- Outstanding = 20 years
- Exceeds fully successful = 16 years
- Fully successful = 12 years



## **Performance Credit – Multiple Rating Patterns**

If an employee has ratings of record under more than one pattern of summary levels during the applicable 4-year period, the agency gives retention credit on the basis of the established credit set for each summary level pattern. (See example on slide 22.)



## Performance Credit - Multiple Rating Patterns-Example

Example: An employee was under a pass/fail program and received a passing rating for year 1. The employee moved to a 5-level program and received Fully Successful in year 2 and Exceeds Fully Successful in Year 3.

Rating 1: Passed = 16 years (based on how agency set credit years in example on slide 22)

Rating 2: FS = 12 years

Rating 3: EFS = 16 years

Average rating will be calculated as 15 years (16+12 +16 = 44 divided by 3 = 14.6, rounded up to 15)



## Questions



## **Retention Standing**

- Retention standing is a formula applied to each employee
- Combines the four retention factors
  - Tenure
  - 2. Veterans' preference
  - 3. Length of service
  - 4. Performance
- Ranks each competing employee in relation to others



## **Retention Factors - Example**

- **Tenure:** Career
- Veterans' status: non-veteran preference
- Service Computation Date: 6/27/97
- Performance Credit = 15

Rating 1: Fully Successful = 12 years 12+16+16 = 44

Rating 2: Exceeds Fully Successful = 16 years 44/3 = 14.6666

Rating 3: Exceeds Fully Successful = 16 years Round up to 15

- New SCD is 6/27/97 15 years = 6/27/82
- On a retention list, shows up as **IB:** 6/27/82 I= Career B= Not a preference eligible



for RIF and non-veterans

## Questions



## **Retention Register**

 A retention register is a list of all competing employees in retention standing order.

- May be listed two ways:
  - By competitive level
  - By competitive area, often called a Master Retention Register

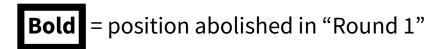


## Master Retention Register (example)

- IAD = Career, preference eligible with 30% or more service-connected disability
- IA = Career, preference eligible for RIF
- IB = Career, not preference eligible for RIF
- IIA = Career-conditional, preference eligible for RIF
- IIB = Career-conditional, not preference eligible
   for RIF

Tenure Group/ Subgroup	Name	RIF-Adjusted SCD (SCD-RIF)	Position	Competitive Level
IAD	Alton	01/04/02	GS-201-12	(0-STA)
IA	Reginald	07/07/96	GS-201-11	(0-CLS)
IA	Barbara	02/02/99	GS-201-12	(0-STA)
IA	Devon	09/09/06	GS-201-9	(0-SYS)
IA	Carla	03/03/10	GS-201-12	(0-STA)
IB	lan	06/06/93	GS-201-9	(0-SYS)
IB	Patricia	04/04/98	GS-201-12	(0-STA)
IB	Tamara	08/08/98	GS-301-12	(0-PRG)
IIA	Edward	05/05/18	GS-301-11	(1-PRG)
IIB	Joe	02/02/17	GS-201-9	(0-SYS)





### **Round 1 RIF Competition**

- Abolished positions are noted on the retention registers in affected competitive levels
- Competition rules determine who stays in the competitive level and who is released
- Most released competitive service employees go on to Round 2 competition



## "Round 1" Competition

**Release from Competitive Level** 

Competitive Level GS-0201-12 (0-STA)	Name	RIF-Adjusted SCD (SCD-RIF)	Position	Schedule	Appt. Type
IAD	Alton	01/04/02	GS-201-12	FT	CS
IA	Barbara	02/02/99	GS-201-12	FT	CS
IA	Carla	03/03/10	GS-201-12	FT	CS
IB	Patricia	04/04/98	GS-201-12	FT	CS
Competitive Level GS-0301-11 (1-PRG)	Name	RIF-Adjusted SCD (SCD-RIF)	Position	Schedule	Appt. Type
IIA	Edward	05/05/18	GS-301-11	FT	CS





## "Round 2" Competition

**Assignment Rights** -- **Competitive** service employees released in Round 1 with at least a minimally successful rating may:

**Bump**: Displace an employee in a lower tenure group or a lower subgroup within the same tenure group, IF qualified

**Retreat**: Displace an employee in the same tenure group and subgroup with less service IF held the job before



## **Assignment Rights**

- In determining if the employee is "qualified" apply the "undue interruption" standard, i.e.,:
  - "...a degree of interruption that would prevent the completion of required work by the employee 90 days after the employee has been placed in a different position under this part..." (see full definition at 5 CFR 351.203).
- Excepted service and tenure group III employees have assignment rights only if granted by the agency



## **Assignment Right Requirements**

- Assignment rights are to an "available" position, which means the position:
  - ✓ Will last at least 3 months
  - ✓ Is in the competitive service and in the same competitive area
  - ✓ Is the same work schedule (full-time, part-time)
  - ✓ Is within 3 grades or intervals
    - Subgroup AD can retreat 5 grades or intervals



### **Bump**

#### Displace an employee -

- In a *lower* tenure group
  - For example, a Tenure Group I can bump anyone in Group II or III; or
- In a lower subgroup (but same tenure), e.g.:
  - IAD can bump IA or IB
  - IA can bump IB
  - IIAD can bump IIA or IIB
  - IIA can bump IIB

#### Tenure Groups

- I Career
- II Career Conditional
- III Term, Indefinite

#### Subgroups

- AD = Preference eligible with a 30% or more service-connected disability
- A = Preference eligible not in AD
- B = nota preference eligible for RIF

 Can bump to a position no more than 3 grades (or intervals) below position from which released

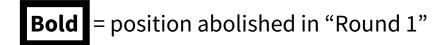


## **Bump Example**

- Edward (IIA 5/5/18), a GS-301-11 (1-PRG), can
- Bump Joe (**IIB** 2/2/17), a GS-201-9 (0-SYS) because:
  - Ed's IIA subgroup is higher than Joe's IIB subgroup
  - Ed *qualifies* for Joe's GS-201-9 job (based on a review by HR of Ed's work history)
- It doesn't matter that Joe has more service

Tenure Group/ Subgroup	Name	RIF- Adjusted SCD (SCD-RIF)	Position	Competitive Level
IAD	Alton	01/04/02	GS-201-12	(0-STA)
IA	Reginald	07/07/96	GS-201-11	(0-CLS)
IA	Barbara	02/02/99	GS-201-12	(0-STA)
IA	Devon	09/09/06	GS-201-9	(0-SYS)
IA	Carla	03/03/10	GS-201-12	(0-STA)
IB	lan	06/06/93	GS-201-9	(0-SYS)
IB	Patricia	04/04/98	GS-201-12	(0-STA)
IB	Tamara	08/08/98	GS-301-12	(0-PRG)
IIA	Edward	05/05/18	GS-301-11	(1-PRG)
IIB	Joe	02/02/17	GS-201-9	(0-SYS)







#### Retreat

- Means to displace an employee:
  - In the same tenure group and subgroup
  - With less service
  - If held the same job, or an essentially identical one, on a permanent basis in the Federal service

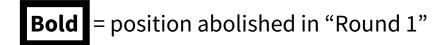


### **Retreat Example**

- Patricia (**IB** 4/4/98), a GS-201-12 (0-STA), can
- Retreat into Tamara's (IB 8/8/98), GS-301-12 (0-PRG) position because:
  - Patricia's SCD-RIF 4/4/98 is earlier than Tamara's 8/8/98
  - Patricia qualifies for Tamara's GS-301-12 job (based on a review by HR of Patricia's work history)

Tenure Group/ Subgroup	Name	RIF- Adjusted SCD (SCD-RIF)	Position	Competitive Level
IAD	Alton	01/04/02	GS-201-12	(0-STA)
IA	Reginald	07/07/96	GS-201-11	(0-CLS)
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IIA	Edward	05/05/18	GS-301-11	(1-PRG)
IIB	Joe	02/02/17	GS-201-9	(0-SYS)







## **Qualifications in Bump and Retreat**

Only qualified employees have assignment rights. Qualified means:

- Meets OPM-established requirements for the position (minimum educational requirement, and selective placement factors)
- 2. Is physically qualified, with reasonable accommodation where appropriate
- 3. Meets any OPM-approved special qualifying condition for the position; and
- 4. Clearly demonstrates, the ability to successfully perform the duties of the position upon assignment to it without undue interruption to the activity



## **Positions with Physical Qualifications**



If an agency determines a preference eligible employee with a 30% or more service-connected disability is unable to perform the physical requirements of a position the agency must notify OPM and the employee of the proposed disqualification



OPM must make a final determination before the agency may select any other person to the position



The employee has 15 days to respond



## Positions with Physical Qualifications-Qualifications Determinations

- The agency must submit reasons for the determination to OPM including medical information on which the agency determination was based.
- The agency is required to comply with OPM findings.
- The agency sends the case to:

U.S. Office of Personnel Management
Workforce Policy and Innovation
Talent Acquisition, Classification and Veterans Programs

1900 E Street, Rm 6500

Washington, DC 20415

Phone: 202-606-4209; Fax: 202-606-0864

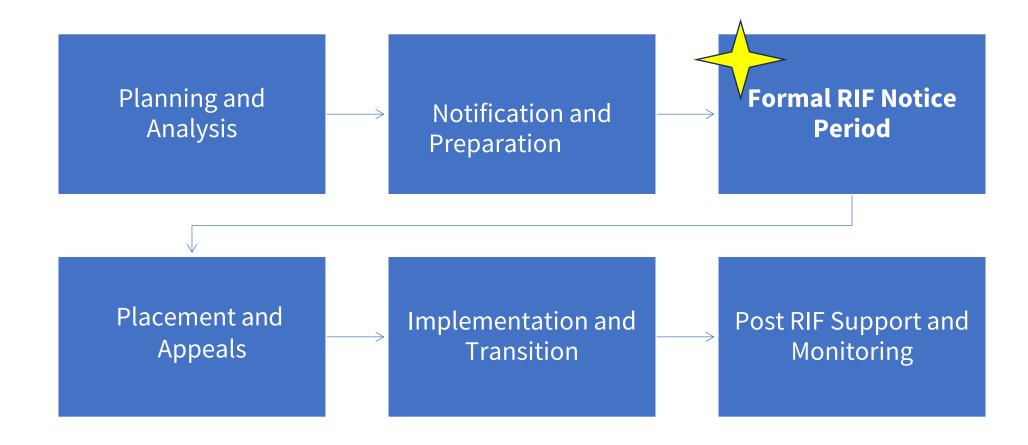




# **RIF Notices**



#### **RIF Process**





## **Employee Notifications**

#### **Informational Notices**

- Optional
- Does not count toward the mandatory notice period
- Alerts employees that a RIF may be necessary

#### **Specific Employee Notice**

- Required 60 days before RIF action
- Must include information required by 5 CFR 351 Subpart H



## **Content of Employee RIF Notices**

The action to be taken, the reasons for the action, and its effective date;

The employee's competitive area, competitive level, tenure group, subgroup, service date, and three most recent ratings of record received during the last 4 years;

The place where the employee may inspect the regulations and records pertinent to this case;

The reasons for retaining a lower-standing employee in the same competitive level under § 351.607 or § 351.608;

Information on reemployment rights and career transition information, except as permitted by § 351.803(a);

Information on applying for unemployment benefits and a severance pay estimate (if eligible);

The employee's right, as applicable, to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations or to grieve under a negotiated grievance procedure. The agency shall also comply with § 1201.21 of this title.





# Wrap Up: Resources and Final Questions



# **On-line Tools for Agencies**

- RIF law <u>5 U.S.C. 3501 3504</u>
- RIF regulations <u>5 CFR part 351</u>
- Reductions in Force (RIF) pages on OPM's website various policy guides, including new, updated resources and templates
- Workforce Reshaping Operations Handbook



# The Reduction in Force (RIF) Learning Series RIF Policy Advisory Team

The U.S. Office of Personnel Management (OPM) invites Federal HR practitioners to learn about Reduction in Force (RIF) procedures and best practices.

A free, government-wide learning series available on <a href="Eventbrite">Eventbrite</a>\* for all Federal HR practitioners.

\*must have a .gov or .mil to register



**Upcoming Events - Check back at our series collection for updates!** 

**April 2 – Introduction and RIF Mechanics Part 1:** Learn the basic mechanics (part 1) of how to conduct a Reduction in Force from OPM's subject matter experts.

**April 3 – RIF Mechanics Part 2:** Learn the basic mechanics (part 2) of Reduction in Force from OPM's subject matter experts.

These learning series do not advise on individual employment matters.



# **Thank You**

Please take a moment to complete a short survey to provide your feedback on today's session:

https://surveys.opm.gov/se/5B5534D4227C9D4F



The Reduction in Force (RIF) Learning Series RIF Policy Advisory Team

