

S1-1. SCOPE OF CHAPTER

When organizations find that regardless of the reason, it is necessary to conduct a reduction in force, the planning processes and objectives should try to produce two key outcomes:

- a viable organization; and
- a committed work force.

S1-2. USE OF REDUCTION IN FORCE

g. Reasonable accommodation. In a RIF situation, Departmental Offices/Operating Administrations should analyze the anticipated and actual effects on handicapped employees, particularly those with targeted disabilities. Within the limits imposed by law and regulations, every effort should be made to minimize effects on employees whose disabilities make it difficult for them to be reassigned within the Department.

h. Correction required by the Office of the Secretary (OST). In addition to any OPM action mentioned in paragraph f. of this section, the Director of Personnel for the Department of Transportation (DOT) may review the OST or Operating Administrations' preparation for RIF at any stage. In the event that actions are being taken contrary to the express provisions or the applicable regulations or would violate employee rights or equities, the Departmental Director of Personnel may order corrective action with respect to those matters.

i. Contact with the Office of Personnel Management. All contacts with OPM for the interpretation of regulations or the determination of policy will be made through the Departmental Office of Personnel.

j. RIF policy. Each Operating Administration should have available upon request its policy and procedures for conducting RIF in their organization.

S1-3. RIF PLANNING

b. Alternative actions. Departmental Officers and Heads of Operating Administrations may grant excused absence to employees in a RIF situation so they may interview for other jobs. If excused absence is granted in this circumstance, the amount should be reasonable as determined by the employee's supervisor or other appropriate organization official.

c. Work Force Diversity considerations. In planning and conducting a RIF, managers should be sensitive to the potential impact on employees in special interest groups, such as handicapped and minorities. Managers are responsible for giving consideration to their diverse work force as it relates to abolishing positions, filling vacancies, or waiving qualification requirements. Managers are required to comply fully with RIF laws and regulations when such considerations are made

**S1-4. PLACEMENT ASSISTANCE
FOR EMPLOYEES**

a. **Agency programs.** Departmental programs, requirements, and policies on placement programs are located in DPM Chapter 330.

(Additional material on reverse)

**S1-4. PLACEMENT ASSISTANCE FOR
EMPLOYEES**

e. Special notice to Federal and nonfederal organizations when 50 or more employees receive notices of separation by reduction in force.

(1) Notices to Unemployment Insurance Service. The notice to the Department of Labor must include the number of employees to be separated broken down by geographic area, the effective date of the separations and other information as requested by OPM.

S2-1. DEFINITIONS**w. Departmental Offices mean:**

- 1) Secretary and Deputy Secretary;
 - 2) Associate Deputy Secretary/Office of Intermodalism;
 - 3) Executive Secretariat;
 - 4) Board of Contract Appeals;
 - 5) Departmental Office of Civil Rights;
 - 6) Office of Small and Disadvantaged Business Utilization;
 - 7) Office of Commercial Space Transportation;
 - 8) Office of Intelligence and Security;
 - 9) Office of Public Affairs;
 - 10) Assistant Secretary for Transportation Policy;
 - 11) Assistant Secretary for Aviation and International Affairs;
 - 12) Office of the General Counsel;
 - 13) Office of the Assistant Secretary for Budget and Programs;
 - 14) Office of the Assistant Secretary for Governmental Affairs;
 - 15) Office of the Assistant Secretary for Administration; and
 - 16) Office of Inspector General.
- 8) Saint Lawrence Seaway Development Corporation;
 - 9) Research and Special Programs Administration;
 - 10) Maritime Administration; and
 - 11) Bureau of Transportation Statistics.

x. Operating Administrations mean for the purpose of this directive:

- 1) Office of the Secretary;
- 2) United States Coast Guard;
- 3) Federal Aviation Administration;
- 4) Federal Highway Administration;
- 5) Federal Railroad Administration;
- 6) National Highway Traffic Safety Administration;
- 7) Federal Transit Administration

S2-2. EMPLOYEE COVERAGE

b. Employees excluded. This chapter does not apply to:

(2) A member of the Senior Executive Service (see 5 U.S.C.3595). The Department's RIF regulations for Senior Executive Service members are covered in DPM chapter 920, Senior Executive Service (SES) Reduction in Force (RIF): General Information.

(5) Reemployed civil service annuitant. A reemployed annuitant must be removed from his/her competitive level by termination of appointment or other appropriate means before any Group I or Group II employee is released from that competitive level under this chapter.

S2-4. RECLASSIFICATION

d. Reclassification due to erosion.

(2) In job erosion cases, a RIF is considered to have been announced when specific RIF notices have been issued to employees in the competitive area.

S3-2. COMPETITIVE AREA

e. OPM prior approval. A request, including supporting documentation, for OPM's approval of a competitive area which has not been in effect at least 90 days prior to a RIF must be sent to the Departmental Director of Personnel for submission to OPM.

f. Publication. When establishing or changing competitive areas, the new or revised competitive areas must be described in and distributed through OST/Operating Administration directive systems or other official media of communication which are accessible to all employees. A competitive area is not officially established or changed until it is issued through the appropriate directive or medium.

(Additional material on reverse)

S3-3. COMPETITIVE LEVELS

d. Availability for review. At least annually, employees must be notified they can review their competitive levels. Examples of acceptable notice include printing information in an employee or organization newsletter, sending a memorandum addressed to all employees, issuing a notice or bulletin through a directive system, or posting the information on bulletin boards used for official purposes.

S3-9. CREDIT FOR PERFORMANCE

d. Ratings used for RIF purposes. In accordance with 5 CFR 351.504, dated December 17, 1991, an employee's entitlement to additional service credit for performance shall be based on the employee's three most recent ratings of record received during the 4-year period prior to date of issuance of a RIF notice. Annual performance appraisal ratings of record used for RIF purposes are described in Departmental Personnel Manual (DPM) Chapter 430 directives. Ratings of record issued under other systems and which fall into the 4-year period prior to the date of issuance of specific RIF notices are to be used provided they can be clearly distinguished as an annual performance appraisal or rating equivalent to those in the DPM Chapter 430 directives.

e. Basis for credit.

(1) Ratings of record under any system are not to be used for additional service credit if they are issued solely for the purpose of affecting an employee's RIF retention standing. This provision applies to ratings of record issued beyond a reasonable time after the end of the rating period. The OST and Operating Administrations must establish, in writing, what a "reasonably acceptable time period" is and must establish criteria which would allow consideration of a late rating of record for additional service credit. The reasons for accepting or rejecting a late rating of record must be maintained as a part of the RIF records specified in FPM Supplement 351-1, Section 3-11.

(4) Valid employee copies of ratings of record from their current or previous agency or department are acceptable for use when official records cannot be found.

(6) For any one RIF, Operating Administrations must document the basis for crediting performance ratings when the rating is based on other than a five level performance appraisal system. Such documentation shall be maintained as part of the RIF records specified in FPM Supplement 351-1, Section 3-11.

Subchapter S4. Release from Competitive Level

S4-3. REGULAR ORDER OF RELEASE

b. Competing employees. When employees in the same retention subgroup have identical service dates and are tied for release, the ties may not be broken by any process utilizing random chance or alphabetical order.

Job-related or service-related factors should be used as tie breakers. Some examples follow:

- (1) The tied employee holding the position being abolished will be released.
- (2) The tied employee with less additional service credit based on performance will be released.
- (3) The tied employee with the lower performance in the current job will be released.
- (4) The tied employee with the shortest service within the Department, OST/Operating Administration, division or occupation will be released.

The method used by Operating Administrations to break ties shall be documented and maintained as part of the RIF records specified in FPM Supplement 351-1, Section 3-11.

(Additional material on reverse)

**S4-4. EXCEPTIONS TO REGULAR
ORDER OF RELEASE**

a. Restriction.

(5) In accordance with 5 CFR 351.608, an Operating Administration may make a temporary exception to the regular order of release to retain on accrued annual leave a lower standing employee covered by chapter 63 of title 5, U.S.C., (or other leave system for Federal employees). This temporary exception pertains to employees who will attain first eligibility for immediate retirement benefits and/or establish eligibility to carry health benefits coverage into retirement during the period represented by the amount of the employee's accrued annual leave.

Subchapter S6. Furlough

S6-5. SEPARATION IN LIEU OF RECALL

a. No recall. In accordance with OPM regulations, if an Operating Administration determines that a furloughed employee can not be recalled within the 1-year period, a new RIF notice of separation must be given to the furloughed employee at least 60 days prior to the end of the 1-year period.

(Subchapter S7 revised by Attachment 3 to FPM Letter 351-26, 12/5/91)

S7-2. FORMS OF NOTICE

b. Contents of specific notice.

The following information must be provided in or with the specific reduction in force notice or as a supplemental notice to the employee--

(10) Notice on how eligible employees may convert or continue health benefits enrollments or convert life insurance coverage.

S7-3. NOTICE PERIODS

b. OPM approval required for shorter notice period.

(2) Agency headquarters must request exception. When a RIF is caused by circumstances not reasonably foreseeable, any request to OPM to authorize a notice period of less than 60 days but no less than 30 days, must be submitted to the Departmental Director of Personnel for approval prior to submission to OPM.

Subchapter S9. Employee Placement Assistance Programs

S9-1. COVERAGE OF THE SUBCHAPTER

Departmental programs, requirements, and policies on placement programs are located in DPM Chapter 330.

S9-2. TYPES OF PROGRAMS

d. Job Training Partnership Act. For the purpose of enabling eligible employees to be considered to participate in dislocated worker programs under the Job Training Partnership Act administered by the U.S. Department of Labor, Operating Administrations may issue Certification of Expected Separation up to 6 months in advance of the separation date to a competing employee. Operating Administrations must be reasonably sure the employee will be in fact separated by a RIF. Such certification must be done in accordance with 5 CFR Part 351, Section 351.807.

e. Employees certified. Employees issued Certification of Expected Separations may also be enrolled in the Displaced Employee Program and the Reemployment Priority List up to 6 months in advance of a RIF.

Appendix A. Retention of Records

A-1. RECORDS

(12) Performance ratings. Operating Administrations shall retain an employee's three most recent ratings of record within the latest 4-year period to determine entitlement to additional service credit.

**S5-7. GRADES, GRADE-INTERVALS,
AND EQUIVALENTS**

c. Determination of grade interval progression in positions not covered by the General Schedule.

(1) Any determination by the OST/Operating Administrations must be made in writing prior to the issuance of RIF notices and identify the competitive area(s) for which it applies. To the extent practical, the grade interval progression should reflect actual historical experience for the occupations and competitive area(s) involved. When the competitive area is newly established, or when historical information is not available, the grade interval progression should be determined from an occupationally similar competitive area, or should reflect the most likely line of progression when no similar area is available for comparison. The determinations become a part of the OST/Operating Administrations' records and are to be available for review and maintained as specified in FPM Supplement 351-1, S3-11.

**S5-8. QUALIFICATIONS FOR
ASSIGNMENT**

a. Qualifications standard.

(1) Selective placement factors must be established in writing prior to the effective date of a reduction in force if they are to be used in determining qualifications for assignment. The selective placement factors may be contained in job analysis documentation, merit promotion files, job elements, position descriptions, or other formal documents. The factors must be available for review and maintained as specified in FPM Supplement 351-1, section 3-11.

d. Physical qualifications determinations.

(2) An OST/Operating Administration determination that a preference eligible employee with a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of a position must be approved by the Departmental Office of Personnel before any notification is submitted to OPM and the employee.

S5-9. WAIVER OF QUALIFICATION REQUIREMENTS

a. Waiver of qualifications in offering RIF assignment. Qualification requirements may not be waived for any assignment which results in displacement.

S5-10. ADMINISTRATIVE ASSIGNMENT

a. Discretionary practices.

(2) Competing employees in the competitive service in tenure group III are entitled to bump other employees in tenure group III.

(3) Competing excepted service employees in tenure groups I and II with appointments under Schedule A or Schedule B are entitled to assignment rights in the second round of competition. Bumping rights are similar to the provisions in FPM Supplement 351-1, section 5-4 for competitive service employees except that an eligible employee is entitled to bump to an occupied position held by an employee appointed under the same authority (e.g., a IA Schedule A attorney may bump a IB Schedule A attorney, but not a IB Schedule A law clerk). Retreat rights are similar to the provisions in FPM section 5-5 for competitive service employees. No other assignment rights are permitted for excepted service employees.

Subchapter S8. RIF Appeals, Grievances, and Corrective Action

S8-2. CORRECTIVE ACTION

a. Correction by the Office of the Secretary.

The Departmental Director of Personnel may direct, on the basis of an administrative determination, that an unjustified or unwarranted RIF action taken by OST/an Operating Administration be corrected to restore an employee to a former or intermediate grade or rate of pay, including making the employee financially whole to the extent permitted under 5 U.S.C. 5596 and 5 CFR Part 550, Subpart H.

B-4. Submitting Requests to OPM

b. Agency headquarters approval required. Official requests for the voluntary early retirement authority must be submitted first to the Departmental Office of Personnel. In addition, Departmental Offices and Operating Administrations considering the possibility of submitting such a request should consult with the Departmental Office of Personnel as early as possible.

9-2. ESTABLISHMENT OF THE REEMPLOYMENT PRIORITY LIST

a. Establishment of list.

(1) General. The Reemployment Priority List (RPL) coordinator for the OST and at the Headquarters level for each Operating Administration (hereinafter referred to as RPL coordinator(s)) is responsible for ensuring that a reemployment priority list is established and maintained for each commuting area in which employees are located. The RPL will include the names of all eligible, available employees in the Department. Exhibit 1 will be used to establish the RPL and record any changes in an employee's status.

(2) Responsibilities.

(a) The servicing personnel office separating an employee in a RIF maintains this employee's official RPL record for purposes of establishing and verifying reemployment consideration within the Department.

(b) The servicing personnel office of the organization conducting the RIF will prepare or obtain an updated copy of an Application for Federal Employment, SF-171, for each employee being separated who is eligible and available for inclusion on the RPL. The block reserved for use of the examining office (upper right hand corner of page 1) will be completed as follows:

Entered Register—Enter "DOT RPL" and the date eligibility expires.

Notations—Enter employee's group/subgroup and full-time/other-than-full-time status.

Form Reviewed—Enter name of personnel specialist responsible for qualifications review.

Options—Enter all occupational series and pay plans for which qualified and available.

Grade—Enter only the highest grade for which qualified beside each option.

Initials and Date—Enter initials of personnel specialist responsible for review and date of review.

(c) The RPL coordinator for the organization conducting a RIF will transmit copies of all properly completed SF-171's to the RPL coordinator(s) with offices in the commuting area in which the eligible employees are located. A transmittal memorandum must accompany the SF-171's and include a list of the names of all eligible employees. Each RPL coordinator is to be informed by telephone within 24 hours of the date the RPL establishment mentioned in (a) above has been completed. Except for unusual circumstances (for example, physically remote locations), written notification is ordinarily to be handcarried or made by certified mail no later than 5 days after the date the RPL is established.

c. **Appointment from list.** The servicing personnel office making an appointment from the RPL will notify their RPL coordinator by telephone within 24 hours of the employee's entry-on-duty date. The RPL coordinator will then notify within 5 days all other RPL coordinators, specifying in writing the employee's name, type of appointment, grade level, pay plan, work tour, occupational series, whether the position is in the competitive or excepted service, and the effect the appointment has on the employee's RPL eligibility.

d. **Reports.** RPL coordinators must report to the Departmental Office of Personnel on a quarterly basis the number of employees rehired through the RPL during the particular quarter and the number of employees entered on the RPL, also during the quarter. The report format and due dates will be as specified by OPM for the Quarterly Staffing Status Report.

9-3. EMPLOYEE ELIGIBILITY

b. Deletion of an employee's name from the list.

(1) When an employee requests removal from the DOT RPL in writing, the former servicing personnel office will notify their RPL coordinator by telephone within 24 hours. The losing agency RPL coordinator will then notify, in writing, all other RPL coordinators within 5 days of the telephonic notification. Each RPL maintained by the OST/Operating Administration should be annotated to reflect "Deletion at employee's request" and the date of the request.

(2) Notification procedures for an employee's declination of an offer will be made in the same

manner as specified in DPM section 9-2c for an employee's acceptance of an offer.

(3) RPL coordinators will notify their servicing personnel offices when an employee's name should be deleted from the RPL due to expiration of eligibility. Each RPL maintained by the OST/Operating Administration should be annotated to reflect "Deletion-eligibility expired" and the date of the annotation.

(4) When an employee's name is removed from the DOT RPL, it is the responsibility of the former servicing personnel office to annotate and close the employee's RPL record.

(5) The Departmental Office of Personnel will resolve agency questions concerning an employee's eligibility for the RPL or deletion of an employee's name from the list.

Subchapter 9. Establishment of the Reemployment Priority List—Exhibit 1

Department of Transportation Reemployment Priority List (DOT RPL)						
Instructions to establish DOT RPL: For each occupation and tour of duty in which you have positions complete items 1, 2 and 3.						
1. TOUR OF DUTY: check one () FULL TIME () OTHER THAN FULL TIME (OFT) complete column B below			2. PAY PLAN(S):		3. OCCUPATIONAL SERIES:	
Instructions for use of DOT RPL: As you identify or are notified of employees who are entitled to reemployment priority consideration in this occupation, place their names on this list in order of subgroup superiority. As the list becomes longer you may find it desirable to prepare a separate list for each commuting area.						
(A) Commuting Area(s)	(B) OFT Type & Hours	(C) Highest Grade	(D) Group/ Subgroup	(E) Eligibility Expires on	(F) Name and SSN	(G) Former SPO