



AMC DCSPER News Item



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THE ABCs OF RIFs

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In spite of the fact that downsizing is on everyone's mind these days, many Federal employees are not familiar with the basic rules which determine their standing in a RIF. The procedures are controlled by laws implemented through Office of Personnel Management (OPM) regulations. The following explanation is not complete, but it does provide enough information to allow most employees to check their own personnel records and see where they stand.

In Round I competition, employees compete only against other employees in the SAME competitive level. Competitive levels are determined by the JOB DESCRIPTION of record, and include employees in the same pay plan, series and grade, who are performing substantially similar duties. The last criteria is based on an analysis of whether or not the jobs are so similar that an employee could be assigned to any other position in the competitive level without undue interruption of the work (i.e., an employee could fully perform the duties of the position within an adjustment period of 90 days). Note that the JOB DESCRIPTIONS, and not the individual employees, are compared in order to determine whether these criteria are met. Once positions are assigned to a competitive level, the positions are considered interchangeable and each employee in the level is presumed qualified for each position in the level.

Within each competitive level, a retention register is established listing employees in an order determined by tenure groups (career, career-conditional, or temporary/limited appointments), veteran preference subgroups, and RIF service computation dates (years of service plus performance credit). Round I competition ends when employees are released from a competitive level in the inverse order of their retention standing.

One of the most confusing aspects of the RIF rules concerns the treatment of veterans. "Preference eligibles" are given absolute priority for retention in a RIF over non-preference eligibles, even those non-preference eligibles with more years of service. But military preference [which is the term used in the RIF statute - 5 USC 3502(A)(2)] is more restrictive than veterans' preference for hiring [5 USC 2108]. For all practical purposes, retired military personnel are

NOT entitled to preference during a RIF unless they fall within one of several narrow exceptions. In order to receive military preference for a RIF, retirees must have:

1. Retired based on a disability that either resulted from injury or disease in the line of duty as a direct result of armed conflict, or was caused by an instrumentality of war during a period of war (defined in 38 USC 101 as including the Korean conflict, the Vietnam era - August 5, 1964 to May 7, 1975 - and the Persian Gulf War, as well as world Wars I and II);

2. Retired based on less than 20 years of service; or

3. Retired and been in continuous employment since 30 November 1964 in a covered civil service position (without a break in service of more than 30 days).

Assignment rights, called bump and retreat, constitute the Second Round of competition, when employees compete for jobs in OTHER competitive levels. Within the Department of the Army, excepted service employees (such as most lawyers) are not currently permitted to participate in Round II competition, and are separated when they are released from their competitive level at the end of Round I (unless they are assigned to existing vacancies in the excepted service for which they are qualified).

Retreating is an employee's right of assignment to a position formerly held, or essentially identical to one previously held, when the position is occupied by a lower-standing employee in the SAME TENURE SUBGROUP in a DIFFERENCE COMPETITIVE LEVEL.

Bumping is an employee's right of assignment to a position occupied by another employee in a LOWER TENURE GROUP, or in a LOWER TENURE SUBGROUP within the same tenure group, in a DIFFERENT COMPETITIVE LEVEL.

In order to qualify for assignment rights (bump or retreat), an employee must meet OPM-established standards and requirements for the position. Civilian personnel specialists review the employee's education, training, and experience to determine whether the employee meets the basic qualifications required for the position and has any special skills identified in the description of the position to be filled. Although the employee's background must show the ability to perform the critical elements of the position without undue interruptions or adverse impact on productivity, recency of experience may be required ONLY for a position where the agency can demonstrate a bona fide occupational requirement necessary for successful performance on the job.

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