



U.S. FISH AND WILDLIFE SERVICE TRANSMITTAL SHEET

PART 223 FW 7	SUBJECT Employment Reduction in Force	RELEASE NUMBER 438
FOR FURTHER INFORMATION CONTACT Division of Human Resources		DATE January 30, 2004

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter contains policy that more closely defines competitive areas, includes definitions for terms commonly used in a RIF, and incorporates plain language requirements.


Acting DIRECTOR

FILING INSTRUCTIONS:

Remove:
223 FW 7, 08/13/96, FWM 265
Exhibit 1, 223 FW 7, 08/13/96, FWM 265

Insert:
223 FW 7, 01/30/04, FWM 438

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7.1 What is the purpose of this chapter? This chapter provides reduction in force (RIF) policy and procedures within the Fish and Wildlife Service.

7.2 What is the scope of this chapter? This chapter applies to all Service employees except those in the Senior Executive Service.

7.3 What are the authorities for conducting a RIF?

A. 5 U.S.C. 3501-3503.

B. 5 CFR 351.

C. Restructuring Information Handbook, Office of Personnel Management.

D. 370 DM 351.

7.4 What are some of the definitions for terms used in a RIF?

A. Competitive Areas. The geographical and organizational limits within which employees compete for retention in a RIF. Employees in a competitive area compete only with each other; they do not compete with employees in other competitive areas.

B. Competitive Levels. All positions, not people, in a competitive area that are in the same grade (or occupational level) and classification series, and that are similar enough in duties, qualification requirements, pay schedules, and working conditions so that an employee may be reassigned from one position to any of the other positions in the level without undue interruption. Competitive level determinations are based on each employee's official position, not the employee's personal qualifications. Separate competitive levels will be established according to the following categories:

(1) By service. Separate levels will be established for positions in the competitive service and in the excepted service.

(2) By appointment authority. Separate levels will be established for excepted service positions filled under different appointment authorities.

(3) By pay schedule. Separate levels will be established for positions under different pay schedules.

(4) By work schedule. Separate levels will be established for positions filled on a full-time, part-time, intermittent, seasonal, or on-call basis. No distinction may be made among employees in the competitive level on the basis of the number of hours or weeks scheduled to be worked.

(5) By trainee status. Separate levels will be established for positions filled by an employee in a formally designated trainee or developmental program.

C. Retention Register. A separate listing of employees for each competitive level. We apply four retention factors (i.e., tenure, veterans' preference, length of service, and performance credit) in establishing separate retention registers for each competitive level that may be involved in a RIF.

D. Local Commuting Area. The geographic area that usually constitutes one area for employment purposes. It includes 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 normal place of employment.

E. Furlough. For purposes of this chapter, the placement of an employee in a temporary nonduty and nonpay status for more than 30 consecutive calendar days, or more than 22 workdays if done on a discontinuous basis, but not more than 1 year.

F. RIF Notice. A specific written communication from a Service official to an individual employee, at least 60 full calendar days before the effective date of release, stating that the employee will be reached for RIF action.

7.5 What are the objectives of the Service's RIF policy?

A. Explore and implement all possible alternative measures to avoid displacement of employees before the initiation of a RIF.

B. Ensure that the administration of a RIF is handled timely, equitably, and according to the Federal regulatory process.

7.6 When must RIF procedures be used? RIF procedures must be used when the Service releases a competing employee from his or her competitive level by furlough for more than 30 days, demotion, or reassignment requiring displacement, when the release is required because of lack of work; shortage of funds; insufficient personnel ceiling; reorganization; the exercise of reemployment rights or restoration rights; or reclassification of an employee's position due to erosion of duties when such action will take effect after the Service has formally announced a RIF in the employee's competitive area and when the RIF will take effect within 180 days.

7.7 Who is responsible for carrying out the policies and procedures governing RIF within the Service?

A. The **Director** has overall responsibility for the RIF program within the Service, and is the official authorized to approve requests for RIF authority.

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B. The Assistant Director - Budget, Planning and Human Resources provides for the effective administration of the RIF program within the Service.

C. Regional Directors; Manager, California/Nevada Operations Office (CNO); Chief, Law Enforcement; and Assistant Directors will attempt to avoid a RIF by considering appropriate alternatives and conducting outplacement assistance (paragraph 7.9). If a RIF is inevitable, forward a complete, signed request for RIF authority following guidance in paragraphs 7.11 and 7.12. Additionally, determine whether or not assignment to vacant positions will be offered to employees reached for a RIF, and if individuals serving under term and similar nonstatus appointments or those employees occupying excepted service positions will be offered assignment rights.

D. The Chief, Division of Human Resources is responsible for advising management and Regional human resources personnel on issues involving RIF, and reviewing and updating policies and procedures relating to RIF. He/she is also responsible for conducting a technical compliance review of requests for RIF authority.

E. Regional Human Resources Officers and Chief, Branch of Headquarters Human Resources are responsible for advising management on all issues involving and relating to RIF, and performing the mechanics of a RIF. Additionally, these human resources specialists will ensure that proper negotiation, consultation, and/or partnership activities occur relative to bargaining units.

F. Supervisors and Managers will provide assistance to affected employees and facilitate human resources support staff, as follows:

- (1) Ensure that employees are informed at the earliest possible time that they will or may be affected by the RIF process.
- (2) In conjunction with the servicing human resources office, answer employee questions about the RIF process.
- (3) Encourage employees to ensure that information contained in their Official Personnel Folder (OPF) is accurate and current.
- (4) Assist employees in finding other employment both within and outside the Service and provide information on the Career Transition Assistance Plan (CTAP) and support services (paragraph 7.14).
- (5) Assure that all position descriptions for employees under their supervision are accurate and current.
- (6) Ensure that RIF notices are prepared and delivered within the 60-day notice period.
- (7) Recommend positions to be abolished.

G. Employees who will or may be affected by a RIF and have been so notified should:

- (1) Keep informed of RIF activity by attending meetings, reading newsletters, and asking questions.
- (2) Make sure that information contained within their OPF is up to date and that information on file about them is correct.
- (3) Take advantage of transition assistance programs (paragraph 7.14).
- (4) Ensure they have a current job application or resume available for priority placement programs.
- (5) Request retirement counseling, as appropriate.
- (6) Keep supervisor and human resources staff informed of any changes in personal status (e.g., decision to retire, acceptance of another job, etc.).

7.8 What are the competitive areas for the Service?

A. Washington Office.

- (1) Office of the Director inclusive of all offices/staff under line authority within the local commuting area.
- (2) Office of the Assistant Director - National Wildlife Refuge System inclusive of all offices/staff under line authority within the local commuting area.
- (3) Office of the Chief, Law Enforcement inclusive of all offices/staff under line authority within the local commuting area.
- (4) Office of the Assistant Director - Endangered Species inclusive of all offices/staff under line authority within the local commuting area.
- (5) Office of the Assistant Director - Business Management and Operations inclusive of all offices/staff under line authority within the local commuting area.
- (6) Office of the Assistant Director - Fisheries and Habitat Conservation inclusive of all offices/staff under line authority within the local commuting area.
- (7) Office of the Assistant Director - International Affairs inclusive of all offices/staff under line authority within the local commuting area.
- (8) Office of the Assistant Director - Migratory Birds inclusive of all offices/staff under line authority, within the local commuting area.
- (9) Office of the Assistant Director - External Affairs inclusive of all offices/staff under line authority within the local commuting area.

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(10) Office of the Assistant Director - Budget, Planning and Human Resources inclusive of all offices/staff under line authority within the local commuting area.

(11) Office of the Assistant Director - Wildlife and Sport Fish Restoration Programs inclusive of all offices/staff under line authority within the local commuting area.

(12) Office of the Assistant Director - Information Resources and Technology Management inclusive of all offices/staff under line authority within the local commuting area.

B. Regions 1 - 7 and CNO. The Office of the Regional Director/CNO Manager and each Office of the Assistant Regional Director/ Assistant Manager CNO, inclusive of all offices/staff under line authority within the local commuting area will constitute separate competitive areas.

7.9 What must be considered before a RIF takes place?

A. To avoid RIF activities, consider alternatives including but not limited to:

(1) Initiating furloughs not subject to RIF action.

(2) Suggesting leave without pay options and job sharing opportunities to affected employees.

(3) Seeking early retirement authority for affected organizational units.

(4) Separating temporary employees and reemployed annuitants.

(5) Terminating reimbursable details.

(6) Freezing or limiting hiring and promotions in affected organizational units.

(7) Seeking buyout authority for affected organizational units.

B. Conducting outplacement assistance for affected employees that may include making contacts to place employees with other Service or Departmental offices and/or encouraging employees to apply for any vacancies for which they qualify.

C. If necessary, convening teams consisting of supervisors or managers and experienced or appropriately trained human resources staff to assist with planning and administering a RIF. This assistance could include providing counseling services, answering questions from employees and managers, and running mock RIF's.

7.10 Who approves a request for RIF authority? The Director must approve all RIF actions, including those that result in change to lower grade.

7.11 Who can submit a RIF request? Regional Directors; CNO Manager; Chief, Law Enforcement; or Assistant Directors must submit a signed request for RIF authority through the Chief, Division of Human Resources to the Director for approval.

7.12 What is included in a RIF request? A request for RIF authority will include:

A. Complete and detailed justification for the RIF including an appropriate discussion of issues such as lack of funds, FTE's and work, including proposed reorganization.

B. Alternatives to RIF that were considered but did not prove to be feasible.

C. Identification of the program/office/function to be targeted in the RIF.

D. A listing of each position to be abolished by title, series, grade, position description number, and the rationale for how these particular positions were identified for abolishment. Also, include the names of affected employees and their work schedule (full-time, part-time, seasonal, or intermittent).

E. Description of placement activities (attempts to place affected employees within the Region/CNO, in other Regions/CNO, in other bureaus within the Department, and in other Federal agencies).

7.13 What are the regulatory procedures to follow in a RIF? Regulatory procedures for conducting a RIF are found in 5 CFR 351, and OPM's Restructuring Information Handbook, and are not repeated in this chapter.

7.14 What is the relationship of other programs to the RIF program?

A. Career Transition Assistance Plan. This program provides assistance in finding other employment to individuals who have been or are likely to be separated by RIF. The CTAP has four components.

(1) **Career Transition and Support Services** provides services such as skills assessment, resume preparation, counseling, and job search assistance.

(2) **Special Selection Priority** provides for selecting well qualified surplus or displaced employees who apply for vacancies in the local commuting area over other candidates.

(3) **Reemployment Priority List** provides for placement of qualified eligible employees or former employees in the local commuting area.

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(4) **Interagency Career Transition Plan** provides for giving priority consideration on external hires to well-qualified displaced applicants from other Federal agencies.

B. Performance Management System. The length of service calculation used to set relative position on a retention register incorporates additional time based on an average of the three most recent annual summary performance ratings within the past 4 years. Under the Service's current two-level performance rating system, 12 years are credited for each rating of "Results Achieved," and no years are added for "Results Not Achieved." For official performance ratings under a five-level system, calculations of additional credit will include 20 additional years for a rating of Level 5, 16 additional years for a rating of Level 4, 12 additional years for a rating of Level 3, and no additional credit for ratings of Levels 2 and 1. These figures are averaged and the additional time is credited to the employee's actual service computation date.