



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 13 2011

PERSONNEL BULLETIN NO. 11-10

SUBJECT: Departmental Policy on Reduction in Force

1. **Purpose:** This Bulletin sets forth the Department's policy on Reduction In Force (RIF) in accordance with 5 U.S. C. Chapter 35 and 5 CFR Part 351. This bulletin replaces 370 DM 351, Reduction in Force and previous Personnel Bulletins on this subject. Bureaus and equivalent offices are responsible for administering this policy in accordance with this Personnel Bulletin and the regulations issued by the Office of Personnel Management in 5 CFR Part 351.

RIF in the Senior Executive Service is addressed in 5 CFR Part 359 and is not covered in this Bulletin.

2. **Scope of Competition:** Bureaus are authorized to define their own competitive areas. Competitive areas must be defined in accordance with 5 CFR 351.402 and the competitive areas must be made available to affected employees if a bureau is conducting a reduction in force.

When a competitive area is in effect for less than 90 days prior to a reduction in force, the bureau may, through the Office of Human Resources, request the Office of Personnel Management (OPM) for an approval prior to the effective date of the reduction in force. The approval of a request is subject to the discretion of OPM.

3. **Retention Standing:**

a. Credit for performance is awarded consistent with 5 CFR Part 351.504.

- (1) An annual performance rating of record of Level 5, which is defined as Exceptional in accordance with the Department's Performance Appraisal System, provides 20 additional years of service credit for retention standing purposes.
- (2) An annual performance rating of record of Level 4, which is defined as Superior in accordance with the Department's Performance Appraisal System, provides 16 additional years of service credit for retention standing purposes.
- (3) An annual performance rating of record of Level 3, which is defined as Fully Successful in accordance with the Department's Performance Appraisal System, provides 12 additional years of service credit for retention standing purposes.

- (4) Credit is based on the employee's annual performance rating of record on the date of the specific notice of reduction in force or earlier cut-off date, if applicable.
- (5) When a multiple rating pattern occurs in the competitive area (5 CFR 351.504(e)), credit for performance is given as specified in Attachment A.

4. Assignment Rights: When the bureau/equivalent office determines that a 30 percent or more compensable veteran is unable to fulfill the physical requirements of the job to which the veteran would otherwise have had a right of assignment under RIF, the bureau/office will forward a request to through the Office of Human Resources to OPM. OPM will make a final determination concerning the physical ability of the employee to perform the job. This determination must be made before the bureau/equivalent office can select another employee for the position (5 CFR 351.702 (d)).

5. Notice to Employee: Bureaus and equivalent offices must forward requests to reduce the 60-day notice to employees through the Office of Human Resources to OPM. Approval is subject to OPM discretion (5 CFR 351.801).

Bureaus and equivalent offices must coordinate with the Office of Human Resources when notification to outside entities is required and the bureau/office is conducting a RIF which will result in separating 50 or more employees (5 CFR 351.803).

6. Reduction in Force involving Indian Preference: Public Law 96-135, dated December 5, 1979, applies to reduction in force for positions filled in accordance with Indian Preference. Bureaus and equivalent offices with Indian preference positions need to review the law carefully.

Within retention subgroups (IAD, IA, IB, etc.,) employees entitled to Indian preference have higher standing, regardless of their adjusted length of service, than do employees not entitled to Indian preference.

Bureaus and equivalent offices who have questions about the application of Indian preference should contact the Office of Human Resources/Office of the Solicitor.

7. Consultation in Reduction in Force: Bureaus and equivalent offices must consult with the Office of Human Resources and the Office of the Solicitor as early as possible in the RIF planning process, but at least 30 days prior to issuance of specific RIF notices. The Office of the Solicitor will work with bureau and equivalent office RIF planners to ensure that proposed RIF actions are legally defensible.

8. Issuance of Certificate of Expected Separation: Bureaus and equivalent offices are authorized to issue a Certificate of Expected Separation (CES) to employees when the bureau/equivalent office believes, with a reasonable degree of certainty, employees will be

separated from Federal employment by RIF procedures (5 CFR 351.807). While the use of the CES is primarily to enable otherwise eligible employees to be considered for dislocated worker programs under the Workforce Investment Act of 1998, administered by the Department of Labor, it also entitles the employee to consideration under the DOI Career Transition Assistance Program (CTAP) and Interagency CTAP (ICTAP).

Because the decision by a bureau/equivalent office to issue CES's to employees being impacted by RIF affects the ability of other bureaus/equivalent offices to fill their positions, bureaus/equivalent offices are cautioned to ensure CES's are only issued when all four conditions found in 5 CFR 351.807(b) are fully met. In addition, once specific notices of RIF are issued, CES's issued to employees who will not be separated by RIF must be retracted. Bureau and equivalent human resources offices must provide timely updated records to the Office of Human Resources to ensure proper maintenance of the Department's CTAP.

A handwritten signature in black ink, appearing to read 'Thomas Mulhern', with a stylized, flowing script.

Thomas Mulhern
Director, Office of Human Resources

Attachment

**Attachment A Crediting Performance in Reduction in Force
For Multiple Patterns of Summary Levels**

PATTERN A	
3	16
1	0
PATTERN B	
5	20
3	12
1	0
PATTERN C	
4	16
3	12
1	0
PATTERN D	
3	16
2	0
1	0
PATTERN E	
5	20
4	12
3	0
1	0
PATTERN F	
5	20
3	12
2	0
1	0
PATTERN G	
4	16
3	12
2	0
1	0
PATTERN H (DOI Employees)	
5	20
4	16
3	12
2	0
1	0