



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

SEP 27 2012

**PERSONNEL BULLETIN NO: 12-11**

**SUBJECT: Senior Executive Service Reduction in Force Policy**

1. Policy

The Department will institute Reduction in Force (RIF) procedures in the Senior Executive Service (SES) when career SES members must be released from their positions due to elimination or modification of one or more SES positions due to a reorganization, lack of funds, curtailment of work, or other factor.

The Department will utilize a RIF in the SES only when it is not possible to reassign affected SES members into continuing SES positions within the Department.

2. References

This policy supplements, and should be read in conjunction with, the following references: 5 USC 3595; 5 CFR 359.405; 5 CFR 359.601-608; and 5 CFR 359.701-705.

3. Coverage

RIF in the SES applies only to career appointees, including career appointees serving in a probationary period. Retention of reemployed annuitants, and of noncareer, limited term, and limited emergency SES appointees will be considered separately from these procedures established for career SES appointees.

4. Competitive Areas, Competitive Levels, and Competitive Groups

A. Competitive Areas

The areas of competition for RIF in the SES are bureaus and organizational components equivalent to bureaus. An SES member in one competitive area who is released from his or her position due to RIF will not displace an SES member in any other competitive area. The competitive areas are:

- 1) Office of the Solicitor
- 2) Office of the Special Trustee
- 3) Office of the Secretary, which includes all SES positions in the Offices of the Assistant Secretaries

- 4) National Park Service
- 5) U.S. Fish and Wildlife Service
- 6) U.S. Geological Survey
- 7) Bureau of Reclamation
- 8) Bureau of Land Management
- 9) Office of Surface Mining, Reclamation, and Enforcement,
- 10) Bureau of Ocean Energy Management
- 11) Bureau of Safety and Environmental Enforcement
- 12) Bureau of Indian Affairs
- 13) Bureau of Indian Education

#### B. Competitive Levels

- 1) Competitive levels are established within each competitive area. A competitive level includes all positions which are sufficiently alike in qualification requirements, duties, and responsibilities to permit reassignment of an executive from one position to another without undue interruption of work and with the expectation that the reassigned executive will be able, within a reasonable amount of time, to perform at an acceptable level of competence.
- 2) Bureau Directors and Office Heads will recommend to the Executive Resources Board (ERB), with concurrence from the appropriate Assistant Secretary, assignment of a competitive level to all positions occupied by career SES appointees within their organization.
- 3) The ERB will review and approve a request for establishment of competitive levels, and inclusion of the specific positions within each competitive level no later than 90 days prior to commencing a RIF in any competitive area.

#### C. Competitive Groups and Subgroups

- 1) SES members within a competitive level are placed in the competitive groups and subgroups listed in item 3 below. Competitive groups are primarily based on the current, final SES performance appraisal of record. In circumstances where no current, final SES performance appraisal is available, a rating of "fully successful" will be presumed.

- 2) The order of retention standing within a competitive group is determined by the total number of retention credits allotted to each executive.
- 3) The ERB will review and approve all competitive groups and subgroups for each competitive level before a RIF may proceed within a competitive area.
- 4) Competitive groups and subgroups are established as follows:

**Group I**

Post-probationary SES members with current Exceptional rating PLUS one or more of the following performance recognitions:

President's Rank of Distinguished Executive (within 2 years)	2 points
President's Rank of Meritorious Executive (within 2 years)	1 point

**Group II**

Post-probationary SES members with current Exceptional rating with no performance recognition as described in Group I above. Relative ranking within Group II is based on years of service as follows:

Each full year of SES Service (maximum 5 years, or 2.5 points)	0.5 point
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**Group III**

Post-probationary SES members with current Superior rating PLUS one or more of the following performance recognitions:

President's Rank of Distinguished Executive (within 2 years)	2 points
President's Rank of Meritorious Executive (within 2 years)	1 point

**Group IV**

Post-probationary SES members with current Superior rating with no performance recognition as described in Group III above. Relative ranking within Group IV is based on years of service as follows:

Each full year of SES Service (maximum 5 years, or 2.5 points)	0.5 point
Each full year of Federal service (maximum 20 years, or 2 points)	0.1 point

**Group V**

Post-probationary SES members with current Fully Successful rating. Relative ranking within Group V is based on years of service as follows:

Each full year of SES service (maximum 5 years, or 2.5 points)	0.5 point
Each full year of Federal service (maximum 20 years, or 2 points)	0.1 point

**Group VI**

Probationary SES members with current Exceptional rating. Relative ranking within Group VI is based on years of service as follows:

Each full year of SES service (maximum 5 years, or 2.5 points)	0.5 point
Each full year of Federal service (maximum 20 years, or 2 points)	0.1 point

**Group VII**

Probationary SES members with a current Superior rating. Relative ranking within Group VII is based on years of service as follows:

Each full year of SES service (maximum 5 years, or 2.5 points)	0.5 point
Each full year of Federal service (maximum 20 years, or 2 points)	0.1 point

**Group VIII**

Probationary SES members with current Fully Successful rating. Relative ranking within Group VII is based on years of service as follows:

Each full year of SES service (maximum 5 years, or 2.5 points)	0.5 point
Each full year of Federal service (maximum 20 years, or 2 points)	0.1 point

**Group IX**

SES members with a current performance rating of Minimally Successful.  
Relative ranking within Group IX is based on years of service as follows;

Each full year of SES service 0.5 point  
(maximum 5 years, or 2.5 points)

Each full year of Federal service 0.1 point  
(maximum 20 years, or 2 points)

Subgroup IX-A reserved for Post-Probationers

Subgroup IX-B reserved for Probationers

**Group X**

SES members with a current performance rating of Unsuccessful.  
Relative ranking within Group X is based on years of service as follows;

Each full year of SES service 0.5 point  
(maximum 5 years, or 2.5 points)

Each full year of Federal service 0.1 point  
(maximum 20 years, or 2 points)

Subgroup X-A reserved for Post-Probationers

Subgroup X-B reserved for Probationers

**D. Release from the Competitive Level**

SES members will be identified for release from their competitive level in the inverse order of retention standing, beginning with the executive in the lowest subgroup with the lowest standing on the retention register.

- 1) If two or more executives in the same competitive group or subgroup have the same number of retention credits, the date of entrance on duty into the SES is used to determine retention standing.
- 2) If both the numbers of retention credits and the dates of entrance into the SES are identical, then the executives' service computation dates are used to determine retention standing.

3) The executive having the earliest date of entrance on duty into the SES (or earliest service computation date if applicable) will be placed highest on the retention register.

5. Responsibilities

A. The Executive Resources Board (ERB) is responsible for:

- 1) Establishing Departmental policy governing RIF in the SES.
- 2) Determining the necessity of a RIF. No RIF in the career SES will be conducted without the prior written approval of the ERB.
- 3) Approving abolishment of specific SES positions due to RIF.
- 4) Approving RIF procedures as follows:
  - a) Reviews and approves the establishment of competitive levels, and competitive groups and subgroups within each competitive area.
  - b) Approves the issuance of RIF notices to affected SES employees.
  - c) Approves placement of SES members affected by RIF.
- 5) Certifying to the Office of Personnel Management (OPM) that there are currently no vacant SES positions within the Department to accommodate SES members affected by RIF.

B. Assistant Secretaries are responsible for:

- 1) Reviewing and coordinating SES RIF procedures for the competitive areas within their area of oversight.
- 2) Without the written concurrence of the appropriate Assistant Secretary, the ERB will not entertain requests for approval of a RIF within a competitive area; the abolishment of a specific SES position within the competitive area; or establishment of competitive levels or competitive groups and subgroups within a competitive area.

C. Bureau and Office Directors are responsible for:

Bureau and Office Directors are heads of competitive areas and therefore are responsible for managing a RIF in the SES within their organizations. Specific responsibilities include:

- 1) Making recommendations to, and requesting approval from, the ERB regarding the necessity of a RIF within their organization.
- 2) Making recommendations to, and requesting approval from, the ERB regarding which SES positions are to be abolished in a RIF.
- 3) Making recommendations to, and requesting approval from, the ERB regarding establishment of competitive levels, and competitive groups and subgroups within their organizations.
- 4) After obtaining the approval of the ERB, issuing RIF notices to affected SES members within their organizations.
- 5) Making recommendations to, and requesting approval from, the ERB regarding placement of SES members within their organizations who are released from their competitive levels due to RIF.

D. Human Resources Officers are responsible for:

- 1) Under the direction of the bureau or office head, human resources officers will produce, document, and maintain all records pertinent to the establishment of competitive levels, and competitive groups and subgroups.

6. OPM Placement Assistance

A. When an executive has been identified for release from his or her position due to RIF, and there is no vacant SES position within the Department for which s/he qualifies and to which s/he can be reassigned, OPM placement assistance is available under the provisions of 5 CFR 359.603, provided that the executive has completed the SES probationary period.

B. The Chair of the ERB (or the Assistant Secretary for Policy, Management and Budget, if the Chair is below the Assistant Secretary level) provides written certification to OPM, describing internal placement efforts made on behalf of the affected executive and indicates that there is currently no vacant SES position within the Department for which s/he is qualified.

C. An affected SES member is entitled to priority referral assistance for 45 calendar days from the date OPM acknowledges receipt of certification that the executive cannot be placed in an SES position within the Department.

D. To ensure the maximum benefit of OPM's priority referral assistance, an affected executive must provide OPM with:

- 1) a current resume;

- 2) the most recent SES performance appraisal;
- 3) a signed statement granting OPM permission to release the resume and performance appraisal to other agencies for the purpose of seeking placement opportunities.

E. If an executive turns down an offer of career SES appointment from any agency to which s/he is referred by OPM, then OPM's placement efforts immediately cease and all outstanding priority referrals for the executive will be cancelled.

F. Executives who decline a reasonable offer of placement into an SES position through OPM's placement assistance program may be removed from the SES at the end of the notice period.

## 7. Notices

A. Each career SES member subject to release from the competitive level due to RIF will receive an initial written notice, concurrent with certification to OPM, at least 45 calendar days before the effective date of the action. This notice will include:

- 1) the action to be taken and its prospective effective date;
- 2) the reasons for the action;
- 3) the executive's competitive area, competitive level, competitive group, and competitive subgroup (if applicable);
- 4) the place where the executive may inspect the regulations and records pertinent to the action
- 5) the executive's placement rights within the Department;
- 6) the executive's rights to placement assistance through OPM (including notice of the employee's referral to OPM for placement assistance, date of such referral, and instructions for providing OPM necessary items to maximize the placement assistance;
- 7) the executive's appeal rights, including the time limit for appeal and location of the Merit Systems Protection Board office to which an appeal would be sent.

### B. Second and Final Notice

In addition to the initial notice, SES members being released from their competitive level due to RIF will receive a second, final notice at least one day before removal from the SES. This second notice will contain the following information:



- 1) the basis for removal from the SES (i.e., expiration of the 45-day placement period; declination of a reasonable offer);
- 2) the effective date of the removal;
- 3) placement rights outside the SES;
- 4) information regarding the employee's eligibility for severance pay or discontinued service retirement, as applicable; and
- 5) a restatement of the executive's appeal rights, including the time limit for appeal and the address of the Merit Systems Protection Board office to which an appeal would be sent.

8. Appeal Rights

An affected executive may appeal to the Merit Systems Protection Board whether the RIF complies with 5 CFR 359.602(a).

9. Placement Rights and Placement Opportunities

A. Placement in vacant SES positions

- 1) SES members who have completed the SES probationary period and who are identified for release from their competitive level under RIF procedures have placement rights into any vacant SES position in the Department for which they meet qualifications requirements.
- 2) Management has discretion whether to offer a vacant SES position to an SES member who is serving a probationary period.
- 3) SES members who have completed the SES probationary period have priority for placement in vacant SES positions over SES members still serving a probationary period.

B. Placement in a GS-15 position, or equivalent

- 1) An executive who is released from his/her competitive level due to RIF, and who cannot be placed in a vacant SES position within the Department, and who has not been placed in an SES position at another agency through the OPM placement assistance program, will be offered a position at the GS-15 level if they meet the qualifications requirements of the GS-15 position being offered, and they either:

- a) have completed the SES probationary period; or

b) if serving in the probationary period, held a career or career-conditional appointment in the competitive service (or equivalent appointment) at the time they were appointed to the career SES.

2) The GS-15 position offered to affected employee must be a continuing position. That is, the position must last at least three months.

3) If the employee being offered the GS-15 position is a non-probationary appointee, or is a probationary appointee who at the time he or she was appointed to the career SES, held a career or career-conditional appointment in the competitive service (or equivalent appointment), then the employee is entitled to be placed in a GS-15 position with tenure that is equivalent to that of the appointment held at the time s/he was appointed to the SES (i.e., a permanent, term or intermittent appointment).

4) Placement in a GS-15 under these procedures must not cause the separation or reduction in grade of any other employee.

#### C. Pay

1) An employee removed from the SES and placed in a GS-15 position under RIF procedures is entitled to receive the highest of:

a) the rate of basic pay in effect for the GS-15 position in which the employee is being placed;

b) the rate of basic pay currently in effect for the position that the employee held in the Civil Service immediately before being appointed to the SES; or

c) The rate of basic pay in effect for the employee immediately before being removed from the SES.

2) Pay provided under this provision will terminate if:

a) the employee has a break in service of one workday or more;

b) the employee is demoted because of conduct or unacceptable performance; or

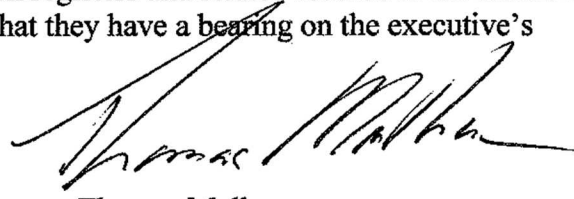
c) the employee requests reassignment to a lower grade.

#### 10. Records

Each bureau and office, through its servicing personnel operations office, will maintain records needed to determine retention standing of its career SES appointees, and will retain intact all

retention registers and records relating to any RIF for at least two years from the effective date of the action.

SES members have the right to inspect retention registers and related records to the extent that the responsible Personnel Officer determines that they have a bearing on the executive's situation regarding RIF.

A handwritten signature in black ink, appearing to read "Thomas Mulhern", with a long horizontal flourish extending to the right.

Thomas Mulhern  
Director, Office of Human Resources