

# Reduction-in-Force (RIF)

## Frequently Asked Questions

(Updated October 4,-2002)

### 1. Why did the Postal Service start doing RIFs in 1995?

A ruling by the Merit Systems Protection Board in August 1994 invalidated the RIF avoidance strategies that were being used at the time. These strategies included indefinite grade and salary protection.

### 2. When are RIFs necessary?

RIF procedures are required when there is an organization or staffing change AND at least one employee will be demoted or separated.

### 3. Are RIF procedures required when the work I perform and my position (at the same grade) are moved to a different location, and I am directed to move with my position?

RIF procedures are required when there is an organization/staffing change and at least one employee is demoted or separated. In the example above, no employees were demoted or separated therefore RIF procedures are not required.

### 4. When are RIF procedures NOT necessary?

If staffing goals can be achieved through attrition, the elimination of vacancies, and/or reassigning employees to equal level/grade authorized positions for which they qualify, RIF procedures are not necessary.

### 5. What is RIF avoidance and how does it differ from a RIF?

RIF Avoidance and RIF are components of the organization change process (i.e., reorganizations, restructuring, and downsizing). RIF Avoidance is a period of time that begins after the change is approved and the manager meets/notifies the employees of the change. During the RIF avoidance period, management helps employees identify vacant authorized positions for which the affected employees can apply. The RIF avoidance period ends when all employees find placement opportunities or with the issuance of the Specific RIF Notice, whichever comes first.

### 6. I served in the military, does that make me a preference eligible?

The following criteria must be met in order for the military service to guarantee entitlement to veterans' preference for RIF purposes.

- must have served during the period 12-7-41 to 7-1-55; or
- must have served for more than 180 consecutive days, any part of which occurred after 1-31-55, and before 10-15-76; or
- must have served during the period beginning 8-2-90 and ending 1-2-92; or
- must have served in a campaign or expedition for which a campaign medal has been authorized.

Veterans' preference may also be awarded to:

- an unmarried spouse of certain deceased veterans; or
- a spouse of veteran unable to work because of a service-connected disability; or
- a mother of a veteran who died in service or who is permanently and totally disabled.

Note- Employees are encouraged to speak to a representative in their servicing personnel office if they are unclear on their veteran preference eligibility.

### 7. I am a preference eligible. Can I select my assignment in a RIF?

No, preference eligibles have a right to the highest paying positions for which they are qualified, at their current position grade level or up to three grades below. In some cases, preference eligibles who are 30% or more disabled may have rights to positions 5 grades below their current position grade, if they previously held the position. In cases where there are multiple positions of the same grade for which you are qualified, you will be assigned at management's discretion.

#### **8. What happens to my pay if I get assigned to a lower level position as a result of a reduction in force?**

Assuming you are not a preference eligible, your salary would be protected for only two years if you were assigned to a lower level position.

#### **9. What happens if I have salary protection from a previous organization/staffing change?**

If you are not a preference eligible and are reassigned to a lower level as a result of a RIF situation in your function, you will retain your current salary level for only two years.

#### **10. I am not a preference eligible, what happens to me?**

If your position is not affected by the organization change, and you are not displaced by a preference eligible, then you will not be affected.

If it is determined by your function that your position is affected, you are not reassigned through RIF Avoidance, and you are displaced by a preference eligible through RIF, then you must apply and compete for vacant authorized positions for which you qualify.

#### **11. Does a RIF include all career employees?**

No, RIFs are limited to competitive areas where the organization/staffing change meets the criteria for invoking RIF procedures. The most current listing of competitive areas is found in the Postal Bulletin which is referenced on this website. This information is also posted on [http://blue.usps.gov/hrisp/ser/documents/rifcomp\\_areas.pdf](http://blue.usps.gov/hrisp/ser/documents/rifcomp_areas.pdf).

#### **12. What is a competitive area?**

Competitive areas are organizational units under separate management authority within which preference eligible employees compete during a RIF.

#### **13. How will I know if my competitive area will conduct a RIF?**

After the proposed organization/staffing change is approved, your manager will provide you with the details of the change. This information will include:

- identifying the elimination of work,
- identifying the positions that are likely to be affected,
- providing the new organization and staffing information,
- indicating whether RIF procedures are necessary, and
- identifying important milestones and dates.

#### **14. How are RIF computation/retention standing dates computed?**

The following four retention factors are used in computing RIF computation/retention dates, the length of service and performance rating:

1. Tenure - Rankings on retention register in three groups according to type of appointment:
  - Group I - Career employees not serving a probationary period
  - Group II - Career employees serving a probationary period
  - Group III - Employees serving under term and non-status appointment
2. Veterans' Preference - Divided into subgroups based on entitlement to veterans preference
  - Subgroup AD - Veterans with a compensable service-connected disability of 30% or more
  - Subgroup A - Veterans not included in subgroup AD
  - Subgroup B - Non-veterans
3. Length of Service - Includes all creditable civilian and military service.

4. Performance Rating - Additional service credit is awarded for performance based on the average of the employee's last three annual performance ratings received during the 4-year period prior to the RIF notice, (i.e. Far Exceeds - 20 years; Met Expectations - 12 years; Not Evaluated - 0 years (not calculated in the average); and Unsatisfactory - 0 years (calculated in the average).

#### **15. Can I appeal my RIF assignment?**

Preference eligible veterans can appeal to the Merit Systems Protection Board. See <http://www.access.gpo.gov/nara/cfr/waisidx/5cfr1201.html> for more information.

#### **16. If I get separated in a RIF, can I get called back?**

Employees separated by RIF procedures can request to be placed on the Reinstatement List for 2 years. The Reinstatement List is valid for vacancies for which they are qualified at or below the grade level at the time of separation within 50 miles of the competitive area from which they were separated.

#### **17. Will early retirement be available for all or some employees in competitive areas conducting a RIF?**

The Office of Personnel Management (OPM) has approved use of Voluntary Early Retirement (VER) Authority for certain non-bargaining employees at Headquarters, Headquarters-related facilities, area offices, and District Retail Operations units. VER will be limited to those employees who occupy impacted positions, or non-impacted positions that can potentially serve as placement opportunities for impacted employees. The authority to offer VER in these situations rests with VPs and AVPs. Your VP will inform you of the details of any VER offers for your group. For more information on VER go to <http://blue.usps.gov/hrisp/vera/retireearly.htm>.

#### **18. Will there be any type of incentives offered?**

There are no plans to offer any incentives to employees to take early retirement.

#### **19. I am at the top of my grade. If I voluntarily request a reassignment to a lower level position in RIF avoidance, and I get 2 years of salary protection, am I still eligible to receive a lump sum merit payment?**

Assuming your salary at the end of the fiscal year is above the maximum salary range for your position, you would be eligible to receive a lump sum merit during the 2 years of salary protection.

#### **20. If an impacted employee voluntarily or involuntarily is placed into a Postmaster position, does the 1-year lock-in for Postmaster appointments apply? Or can the impacted employee apply for other positions that may subsequently become vacant?**

The 1-year lock-in for Postmaster appointments still applies. Area Vice Presidents can make exceptions to the 1 year lock-in period in hardship cases, or when a compelling business need exists.

#### **21. Using the formula for severance pay, I would be eligible for about 27 weeks of severance pay. This is based on my current 18+ years of service. If involuntarily separated, would these 27 weeks be included in my service time for CSRS annuity calculations when I get old enough to collect?**

In addition to credit for specific allowable periods of civilian and/or military service, credit for retirement computation purposes is given only for periods of time between an employee's appointment and separation from the Postal Service. Since severance pay is an allowance for employees who are involuntarily separated not for cause from the Postal Service (in accordance with the provisions of ELM 435), the period of time covered for severance pay is NOT creditable for retirement purposes.

#### **22. What relocation benefits are available during RIF avoidance? If employee requests downgrade to a position outside commuting distance, does he/she get applicable relocation benefits?**

Paid relocation benefits are based on whether or not the employee is considered under the

competitive or noncompetitive process.

Example 1 - Employee volunteers for equal or lower grade and is selected and considered under the competitive process (along with the competitive applications), all relocation benefits as outlined in the F-15 Travel/Relocation handbook are paid by the Postal Service.

Example 2 - Employee volunteers for equal or lower grade and is considered under the noncompetitive process (no competitive applications considered), relocation benefits may be paid based on management's discretion.

### **23. Where can I find more detailed information about RIF procedures?**

Please visit [http://blue.usps.gov/hrisp/ser/org\\_change.htm](http://blue.usps.gov/hrisp/ser/org_change.htm) and (<http://www.usps.com/cpim/ftp/manuals/elm/elmc4/elm410.pdf>)

### **24. Severance pay rules state that employees get their entitled severance pay as long as the severance pay fund is "funded."**

**An employee wants to know if that means that USPS could stop funding at some point in the future and stop paying their severance pay.**

According to ELM 435.32, "The severance pay continues until (a) the severance pay fund is exhausted or (b) the employee is reemployed by the Postal Service or another federal agency -- whichever occurs first."

Otherwise, once funded, the severance will continue to be paid in biweekly increments until the fund is fully paid out. Money is set aside for the severance fund as each employee is separated under circumstances that obligate the Postal Service to severance pay. There are no after-the-fact budgetary situations that would affect our severance obligation to each employee. The fund would be fully paid out only when the last payment owed to the last employee is paid.

### **25. I understand a postal spouse of a RIF impacted employee will be given consideration under the "normal" transfer process. Will this include consideration for jobs that have been frozen for RIF impacted employees? (Example: non-impacted spouse is EAS-20 Postmaster. Will she be considered for frozen jobs level 18+?)**

The trailing spouse will be considered for jobs after it has been determined that the job cannot be filled by a RIF impacted employee. They will not receive priority consideration over the RIF impacted employee.

### **26. I've had a question from some Operations staff who are researching potential job opportunities in other federal agencies in anticipation of a possible RIF in our group. The job announcements sometimes contain the following statement:**

**"Interagency Career Transition Assistance Plan (ICTAP) eligibles: Current or former employees displaced from other agencies. Individuals seeking ICTAP eligibility must submit a copy of their Reduction in Force (RIF) separation notice (Notification Letter or SF50) and a copy of their most recent performance rating."**

### **Once a postal employee has a RIF letter, are they eligible to apply for other agency positions under this ICTAP rule?**

Postal Service employees are excluded from using the ICTAP program. This is explained in a booklet on the OPM web site at [www.opm.gov/ctap/html/egct.htm](http://www.opm.gov/ctap/html/egct.htm). The name of the booklet is "The Employees Guide to Career Transition". See page 13, question 31.

However, Corporate Personnel strongly recommends submitting a cover memo to any application submitted for the federal government stating that you have been verbally informed that your job has been eliminated and providing the RIF effective date.

### **27. I work for an impacted unit & have a VERA question. I meet the age requirement and have 27 years of service. Is there a 2% penalty for every year of service under 30 years? I was told this in a previous telecon, but didn't see it addressed on the FAQ VERA site.**

No. The 2% penalty that you've referenced is applied to reduce a person's early retirement annuity

by 2% for each year that he or she is under the age of 55 at the time of his or her retirement. A person eligible for retirement under the Voluntary Early Retirement Authority and who retires at age 53, for example, would have his or her retirement annuity reduced by 4%, regardless of his or her years of service. The retirement annuity will be computed based upon 27 years of service minus the percentage reduction for being under the age of 55.

**28. At 53 & 23 years of service I would be eligible for VERA. However if I choose to take my chances by not taking VERA, and then the RIF period ends w/o me getting a job, would I be able to immediately begin drawing my reduced (for age & service years) annuity? Or would it be deferred until I reach some age criteria?**

A: Based on your years of service 23, and your age 53, if you elect not to take the VERA, and you are not placed in a job prior to the RIF effective date, you would be eligible for an immediate annuity under the discontinued service retirement process. You are not required to wait until age 62.

**29. Is there a chance that we would be reassigned to a job if we don't get one through the application process?**

A: No. Employees must apply for positions competitively or request noncompetitive placement.

**29a. If a function transfers (in total) from us to a new group, can any of the transferring people opt to not take the job so as to take a VERA?**

A: After all restructuring changes are known, VPs will announce their plans for VERA offers. VERA offers are made before reassignments are made under RIF procedures. If the position you occupy is one of the positions covered by the VERA offer, and you elect to choose VERA, your retirement will be effective prior to specific RIF assignments being made.

**30. If an employee were to obtain a job in private sector prior to 2/8/02 and the employee was eligible for discontinued service annuity, could he/she utilize annual leave and/or leave without pay (LWOP) to complete the remaining time between acceptance of the employment and the 2/8 closure date to continue eligibility for DSA?**

Yes. As long as the employee is using earned annual leave, and/or LWOP, there is no problem with the above. It would be up to the employee's immediate manager to approve such leave.

**31. I read on the Web site for Quash, Compensation, etc. that an employee may use accrued and unused annual leave or donated leave to meet the age and service requirements to qualify for a discontinued service retirement.**

The accrued annual/donated annual leave balance referred to indicates the balance held by the employee at the time of the involuntary separation. Employees may use ANNUAL leave only to the extent needed to MEET the age or years of service criteria requirement.

**32. My question is what is the maximum amount that an employee may donate to another? Also, is there a maximum amount of donated leave that may be used to meet the requirements?**

Leave cannot be donated to an employee for the sole purpose of increasing the leave hours to allow the employee to meet the criteria for a discontinued service retirement. For eligibility criteria to receive donated leave, see Management Instruction (MI) EL-510-1999-4. The MI is located at the following website address: [blue.usps.gov/cpim/ftp/manages/e510994.pdf](http://blue.usps.gov/cpim/ftp/manages/e510994.pdf).

**33. Some employees have 'heard' that a RIF deadline may be extended (upon request of the impacted employee) for a variety of reasons.**

**One example might be that the employee is eligible for full retirement (55 and 30 years service) within a short time, and it would not make any sense to invest relocation moneys and/or implement discontinued service retirement procedures.**

The establishment of the RIF effective date is primarily based on business needs and certain obligatory time frames established by law. The decision cannot be based on the fact that an

employee may come optionally eligible for retirement on a particular date. However, an employee who is being involuntarily separated from an agency due to reduction in force may elect to use annual leave to stay on the rolls after the RIF effective date. This may be done to establish initial eligibility for discontinued service retirement. Further, Postal Service employees may request to remain on the rolls in a nonpay, nonduty status for an additional 30 days after the effective date of the RIF. See ELM 354.254.

**34. Based on information received at the briefing last Friday, it is my understanding that "Veterans Preference" does not apply to RIF-impacted job opportunities that are currently being posted on the HR website. Is this correct?**

That is correct. Preference is given to veterans during a RIF, but there is no preference when applying for vacancies in non-RIF or RIF-avoidance circumstances.

**35. If a person takes a lower level position with the 2 year salary protection, will their salary go to the lower level if they are not at the maximum of that lower level position? How is the salary calculated after 2 years?**

ELM 415.15 Protected Salary states,

An employee assigned to a lower grade position whose salary does not fall within the salary range of the lower grade position has this salary retained for a period not to exceed 2 years (104 weeks) as a protected salary. During this 2-year period, the employee may receive merit lump sums and variable pay amounts based on his or her protected salary and the policies applicable to employees at or above the maximum. If the protected salary exceeds the maximum salary for the lower grade at the end of the 2-year period, the protected salary is terminated, and the salary is automatically reduced to the maximum salary of the lower grade position.

An employee assigned to a lower grade position whose current salary falls within the salary range of the lower grade position has this salary continued, and no salary retention is applicable. Future salary increases, merit lump sums, and variable pay amounts are determined in accordance with the policies applicable to the lower grade position.

**36. Many Sales people are domiciled in locations far distant from their management authority. They want and are asking that their competitive area be changed to the Sales organization closest to where they're domiciled.**

Competitive areas are established using OPM guidelines and must be published prior to the announcement of a reduction in force. They are based on organizational units. Employees domiciled elsewhere are part of the competitive area of the organization to which they report. Changing competitive area assignments for personal reasons would violate the regulations.

**37. Does a veteran preference eligible have to complete a 991 with KSAs in order to be considered for a job?**

All employees, including preference eligible employees, must submit complete 991s with all KSAs addressed for each position for which they apply in order to provide review boards and selecting officials the information necessary to compare applicants' qualifications. This is true even where the candidate seeks a non-competitive lateral transfer or voluntary downgrade, because there may be other candidates who are also asking for non-competitive consideration for the same position.

**38. If an employee is selected for a downgrade and has not yet reached the maximum of his or her current salary grade, could the organization, as an automatic consideration, delay the effective date until the FY01 Merit effective date versus processing the Form 50 for an immediate effective date with the protected rate which would not allow any salary increase for this prior year's merit performance?**

No, this would not be necessary. Employees who voluntarily accept a downgrade will be able to receive their full merit increase, if applicable, as an adjustment to their protected salary.

**If a PCES employee opts to go to EAS, would he/she be allowed to retain his or her current AL balance as an individual ceiling versus an immediate AL EAS maximum of 560 hours with payout for the AL in excess of that maximum?**

The PCES earned annual leave balance at the time the impacted employee accepts a lower level

position will become that employee's carryover maximum.

These employees will earn annual leave at a rate determined by their leave computation date. Since they cannot carry over leave in excess of their individual carryover maximum, they must use, exchange, or lose any annual leave earned each year. Leave may be exchanged at the frozen or reduced rate for a lump sum payment.

If the number of hours of annual leave carried over into the next leave year falls below their individual carryover maximum, then the current annual leave carryover balance becomes their new individual maximum. This process will continue until such time that their annual leave carryover balance falls within the standard EAS carryover ceiling.

**39. Is "saved salary" the current salary (before processing of the FY2001 merit) or the current salary plus the FY2001 merit impact? Under what conditions or timing could this be one or the other? (i.e., is the "saved salary" dependent upon the timing of official RIF notification? of the FY2001 merit processing dates? of the date one accepts a "saved salary" position?)**

Merit pay calculations are based on the salary in effect at the close of the fiscal year. Resulting salary increase amounts are added to the salary in effect on the merit effective date, which, for the FY2001 EAS Merit Pay Program is December 29, 2001 (PP 2-02).

If the saved salary action is processed prior to the merit, then the merit pay amount is added to the saved salary.

**40. My RIF effective date is 8-Feb-02. I am a reservist. If I am called to active duty in Oct 2001, and return from active duty in Jan 2002, am I entitled to extra time to look for another assignment because of my absence during active duty?**

If you return to postal employment from active duty in January of 2002 prior to the RIF effective date of February 8, 2002, you must be reassigned to your position or another position of like status and pay. Thereafter, if you were on active duty for between 31 - 180 days, you cannot be discharged from your position (except for cause, which does not include RIF) for a period of 6 months. If you were on active duty for 181 days or more, you cannot be discharged from your position (except for cause, which does not include RIF) for a period of 1 year. In other words, you will remain employed by the Postal Service for at least 6 months after your return from active duty, barring misconduct on your part.

**41. Is it necessary for us to complete the KSA portion of the Form 991? The normal procedures for lateral or downgrade only requires submission of the first two pages and a narrative.**

Normally, for laterals or downgrades, employees are only required to complete the first 2 pages of the PS Form 991. However, it is to your advantage to respond to each KSA because you are competing with over 300 other RIF impacted employees. If 5 or more applications are received, the selecting official is required to use a review committee to review the applications. KSAs are critical to the panel's and/or the selecting official's evaluation.

**42. As a disabled veteran, will I retain my salary and grade indefinitely if I go to another agency?**

No. It is up to you and the receiving agency to negotiate the salary at that agency. The salary retention policies are afforded by the Postal Service only while employed by the Postal Service. When employment with the Postal Service is severed for 1 workday or more, salary retention terminates.

**43. Do preference eligibles receive indefinite saved grade and saved salary?**

Preference eligible employees who are demoted as a result of a RIF receive two years saved grade and veterans' preference retained salary under RIF. See ELM sections 415.12, 415.13, and 415.14 for more information ([www.usps.com/cpim/ftp/manuals/elm/elm4/elm410.pdf](http://www.usps.com/cpim/ftp/manuals/elm/elm4/elm410.pdf)).

Preference eligible employees who request a voluntary reassignment to lower level during the RIF avoidance phase receive two years protected salary. See ELM 415.15

**44. Are veterans offered any different benefits/placement if they are unable to find a job during the RIF period?**

Preference eligible employees receive preference during rounds 1 and 2 of a RIF for jobs within their competitive area. In competitive areas that are being eliminated, there will be no positions

available for preference eligible employees or non-preference eligible employees. In a competitive area that is being eliminated, all of the positions within that competitive area will be abolished on the RIF effective date. Any employees (preference eligibles and non-preference eligibles) who have not successfully found another position within the Postal Service by that date will be separated.

#### **45. If I'm RIFed, what happens to my outstanding TSP loan?**

The following scenarios apply:

- Employee remains with the USPS in a lower grade level. No change would occur with the amount of the TSP loan payments nor the length of the loan unless the employee needs to reduce the payments. He or she could then request a one-time reamortization of their loan. However, the rules for minimum and maximum repayment periods still apply.
- Employee transfers to another Federal agency. No change would occur with the amount of the TSP loan payments nor the length of the loan. The employee must inform his or her new personnel office of the TSP loan and ask the office to continue the TSP loan payments. If the new payroll office does not begin allotments promptly, loan payments will be missed with possible significant adverse tax consequences to the employee.
- Employee separates from the USPS. The terms of the TSP loan include a requirement that the employee repay the loan in full, including interest, when they leave Federal service. After the employee leaves the USPS, he or she will be sent a notice with instructions to repay the loan.

If the TSP Service Office does not receive the repayment in full within 90 days of the date on the notice to repay, a taxable distribution of the unpaid loan principal (and any unpaid interest up to the time of the distribution) will be declared. Note: An outstanding loan may delay processing the withdrawal of the account.

The TSP Booklet TSPBK04 - Loan Program dated April 1997 section V explains "Taxable Loan Distributions" in detail. The booklet is available from the TSP web site at <http://www.tsp.gov/forms/loanbkw.pdf>.

#### **46. Will preference eligibles have to apply for the new positions, or will they receive a written offer for a position within three grades prior to the position being posted?**

During the RIF avoidance period all employees are encouraged to apply for positions for which they are qualified that are posted either internally or on the Job Opportunities web site ([hrishq.usps.gov/vmi/placementopps/index.cfm](http://hrishq.usps.gov/vmi/placementopps/index.cfm)). If RIF avoidance is not successful and a RIF is necessary, employees, including preference eligibles, will receive a Specific RIF Notice. This notice identifies the position to which the employee will be assigned or indicates that there are no positions to which the employee can be assigned and specifies that the employee will be separated.

#### **47. If a preference eligible does not apply for any position and a RIF occurs, will he/she have bump and retreat rights to a position within three grades given to a nonpreference eligible?**

Preference eligible employees who have been released from their positions in round 1 of the RIF will participate in round 2 where the bump and retreat rules apply.

Bump and retreat rules are:

Preference eligible employees who have been released from their positions in round 1 can BUMP to:

- Positions Held by Employees in a Lower Tenure Group/subgroup
- Positions in the Same Grade or 3 Below
- Must Be Qualified

Preference eligible employees who have been released from their positions in round 1 can RETREAT to:

- Positions Held by Employees in the Same Subgroup with Lower Retention Standing
- Positions in the Same Grade and 3 Below (for 30% disabled veterans, 5 Below)
- Must Have Held Position in the Past

#### **48. When does the clock begin running for preference eligibles for the 30 day MSPB appeals? Does it begin with the RIF letter, the RIF Impact notice, or the RIF Avoidance notice?**

The 30 calendar-day period for filing an appeal with the Merit Systems Protection Board commences on the effective day of the RIF. Information regarding the appeals process is provided with the Specific RIF Notice issued 60 days prior to the RIF effective date.

**49. Will the Postal Service pay for job skill training, either internal or external? One example is the situation involving the postmaster training course (40 hours) that is scheduled the first week of November in Norman, OK. Would we support and cover costs related to this type of training?**

The current manager of an employee authorizes training for that employee. If an employee is selected for a new position, then the future manager of the new position may approve training. Otherwise, training is not authorized. See Chapter 7, Training and Development in the ELM. The Postmaster course you mention is the same course that is available for use at the district level. This basics course is for newly promoted, newly hired or a refresher for current postmasters. It is an elective course and is to build skill, not a requirement to be selected for a postmaster position. Offering the training provides management the opportunity to prepare new postmasters to ensure fiscal and professional success in their offices. Employees interested in applying for postmaster positions have the option to review the course material to see if they feel the job would be a good match for their interest and skill.

**50. Is there any type of assistance providing for trailing spouses (assuming someone accepts a position in a different location) that are also postal employees? As a minimum, would there be a possibility of some type of letter from HR identifying that the trailing spouse was relocating as a result of an impacted employee and should be given some type of employment consideration as a result?**

Yes. Please contact Steve Leavey for details.

**51. While pursuing other opportunities with other federal agencies I noticed transferring to FERS is required (stated on vacancy announcement). Legally, can other federal agencies force a CSRS employee to transfer to FERS?**

We are unaware of a provision for an agency to stipulate that FERS participation is required to transfer to that agency.

**52. Regarding the Job Postings. It is my understanding that under RIF we are limited to submitting for new job to laterals and no more then three grades below. Is that correct? Does it apply to our current situation or can a level 25 submit for a level 18 for example?**

During the RIF Avoidance period, affected employees may voluntarily request consideration for vacant positions at the same grade level or lower level, for which they believe they meet the qualifications. Voluntary requests for downgrades are not limited to positions that are three grades below that of the RIF impacted employee. Therefore in the case you present, a level 25 could request consideration for a level 18 position. If you are found to be qualified and selected, you would be eligible to receive salary protection for two years.

**53. Lets say someone elects \$5k health care FSA contribution in November with the intent of staying in the Postal Service. Come January they incur \$5k in medical expense and receive reimbursement from FSA for the whole \$5k. What would the financial consequences be if they are unable to get a job?**

Your situation is covered in Q&A 37 on page 22 in the Publication 164, "Q's & A's, Compensation, Relocation Benefits, and Reinstatement" included on the Organization Changes web page.

**54. If during the 'transfer of responsibilities', a RIF impacted employee is offered a lower level job, and the employee is a preference eligible and accepts, is this considered a 'demotion'.**

**i.e. it doesn't appear that a 'demotion' is a possibility for a veteran (or anyone else) as you will either find a job (voluntarily), take VERA, take early retirement or voluntary separation (severance) or be involuntarily separated. Under what**

**situations or circumstances, can or has a RIF impacted employee (veteran) been demoted?**

A demotion is an involuntary change to lower level or grade and can take place during a RIF. Other circumstances where preference eligible employees can be changed to a lower level:

- Transfer of function reassignment
- Voluntary request
- Reclassification of position
- For cause

**55. I am a 23 specialist with almost 20 years but not a veteran. If they cut our 23 specialist jobs (there are only 4 positions in the new organization) and if there are 4 veterans, I assume they get slotted. Since I am not a veteran, does that mean I am out of a job? Can I apply for other positions, lower levels, etc.?**

In the scenario that you present, the 4 EAS-23 specialists who are preference eligible employees will remain in their positions in the new organization. (All veterans are not preference eligibles for RIF purposes). The non-preference eligible employee will be released for processing in Round 3 of the RIF. In Round 3, competitive area management will make selections from the unplaced employees for positions remaining vacant.

While it is unclear at this time how you would be placed under the RIF process as other similar employees may exercise their options, you should consider vacancies offered on the web for which you are qualified.

**56. I am a reservist. If I am activated for 30 days in one year, how will I be able to apply for current postings when on active duty? Upon my return, I know the Postal Service must place me in a position similar to the one I vacated. Like my colleagues, I want to be able to select the type of work and work location, if possible. Can you provide me with some information or refer me to a source where this info can be found?**

Our policy for nonbargaining employees is that you can submit completed Forms 991 for specific position descriptions to human resources reflecting the desired positions and locations. Human resources will activate the application where appropriate as soon as the desired position of location has a vacancy. Reservists who are RIF impacted can access the web site for job opportunities from remote locations. Also, Frequently Asked Questions (FAQS) can be accessed on the Intranet ([http://blue.usps.gov/hrisp/ser/documents/userra\\_faq.doc](http://blue.usps.gov/hrisp/ser/documents/userra_faq.doc)) that pertain to the Uniformed Services Employment and Reemployment Rights Act (USERRA).

**57. My husband and I are both in areas that are RIF impacted. We have not yet received word if our tasks will transfer to the new org. We have both applied for vacancies in the field and have strong indications that we will receive the jobs.**

We have applied for these positions under the assumption that we will:

- have the option to decline a local offer
- receive saved pay for 2 years
- receive full EAS relocation benefits

Can you confirm that this information is still accurate?

**We are hearing rumors that the previous instructions we received regarding RIF impacted employees may not be accurate and need to know before we place our house on the market.**

If you applied for and are offered a position, you may decline. If you accept an offer of a job lower than your current grade, you will receive two year's salary protection. If you accept a position, EAS relocation will be provided.

**58. I am a preference eligible disabled veteran and based on what I have been told, I will be placed into a position. Here are my questions:**

**- If I do not like the placement (or want to work in the new organization) can I refuse the placement?**

**- If I refuse, what happens?**

**- If I cannot refuse, do I lose my "RIF" status?**

**- If I lose my "RIF" status does that then impact my eligibility to apply for RIF impacted field positions (I currently have 4 applications in the field)?**

If you refuse an offer to an assignment that is considered "reasonable" by OPM (a reasonable offer is within the commute area, and within 2 grades of your current level), you will be ineligible for discontinued service retirement (if you meet the basic eligibility requirements). You will also be subject to adverse action, including separation.

As a RIF impacted employee, you may continue to apply for vacancies on the Job Opportunity web site until such time that you are no longer considered RIF impacted.

**59. How long will USPS employees have federal status after resigning from or being RIFed from federal employment? 2. Does that mean that within that time period, we as former federal employees are eligible to apply to any agency that requests "status candidates"?**

In accordance with section 1006 of title 39, United States Code, since July 1, 1971, Postal Service employees serve under excepted appointments. They do not acquire competitive status or noncompetitive reinstatement eligibility for competitive service jobs in other agencies. However, by law, an agency may give a noncompetitive appointment (transfer) to an employee of the Postal Career Service who meets all the following conditions:

- a. The employee's Postal Service appointment has no time limit; and
- b. Immediately before appointment in the competitive service, the employee served in the Postal Career Service for at least 3 months on a substantially full-time basis or for at least 520 hours if employed less than full time; and
- c. The employee meets the qualification standard for the position; and
- d. The employee will be appointed to the competitive service with no break in service from Postal Service employment.

**60. A question came up about the two-year salary protection policy. Let's say an individual applies for and is selected for a lower level assignment, but is "red circled" for two years. At a later date, but within the two-year period, the person applies for a promotion. Is that person entitled to a promotional increase if his/her "red circled" salary is below the maximum of the new grade?**

**For example, Joe Smith is an EAS 23 HR Analyst in a closed area office. Joe applies for an EAS 18 Postmaster position, is selected, and enters into the two year period for salary protection as his current salary is above the maximum of an EAS 18. Fourteen months from now, Joe applies for an EAS 22 Postmaster position and is selected. During the fourteen-month interim, the maximum of an EAS 22 is increased above Joe's "red circle". Is Joe entitled to a promotional increase? Would the same answer apply if he was selected for an EAS 24?**

The employee is not eligible for a promotion increase unless it is to "a position with a grade or grade equivalent higher than the grade on which the rate retention was established". ELM 413.1a is clear on this issue:

413 Promotion to Nonbargaining Unit Positions

413.1 Definition

A promotion is the permanent assignment, with or without relocation, of an employee to (a) an established position having a higher grade than the position to which the employee was previously assigned in the same schedule or (b) a position with a higher than equivalent grade (see 418.1) in another schedule. The following provisions apply:

a. Employee With Rate Retention. When an employee who has rate retention (see 415.6) is assigned to a different position, the assignment is not a promotion unless it is to a position with a grade or grade equivalent higher than the grade on which the rate retention was established.

**61. I relocated to DC in July 2000 into a PST position. I have not used the real estate portion of relocation. If I get a new job within local commute I just want to be sure that I would still be eligible for reimbursement of certain expenses incurred when I do purchase a house.**

As long as you have an approved extension from your first PCES manager to extend your home purchase, it doesn't matter about the job you go to. If your new position is outside the local commute, you would be entitled to "all relocation benefits."

**62. If a RIF impacted employee signs up for FSA contributions and then transfers to another Federal Agency, will the withholdings continue and will they be able to continue filing claims?**

The Flexible Spending Accounts (FSA) program is specific to the Postal Service. You cannot continue it at a Federal agency. It is unlikely that a Federal agency will have a FSA program available. See Publication 164, Question and Answer 37 for more information.

## INTRODUCTION TO THE REDUCTION IN FORCE (RIF) TIMELINE FOR NONBARGAINING UNIT EMPLOYEES

The RIF timeline for nonbargaining unit employees depicts the nine (9) major components and the three (3) primary phases involved in the RIF process.

### 9 Major Components

**Employee Notification** - employees are officially notified, either verbally or in writing, that an organizational change impacting their competitive area may result in a RIF. This notification begins the RIF process.

**General RIF Notice** - this notice officially advises employees that a RIF situation exists within their competitive area and provides the business reasons for the organizational change. This notice also identifies the magnitude of the change, including those positions and organizational functions that will be impacted, and provides the RIF effective date.

**Specific RIF Notice** - this notice is issued to all employees in the impacted competitive area no less than 30 days after receipt of the general RIF notice. The specific RIF notice advises employees that they are either placed in the new organization, providing the position title, grade level, occupational code, and duty station location, or that they did not receive a placement offer and will be separated from the U.S. Postal Service. This notice also provides specific information used to determine an employee's assignment rights.

If the employee is preference eligible, a copy of the Merit Systems Protection Board's regulations and appeal form is enclosed.

If the employee did not receive a placement offer, an overview of certain compensation programs and an application for the Reinstatement List (PS Form 999) is enclosed.

If the employee is preference eligible who is changed to a lower grade level as a result of the RIF, information concerning Veterans' Preference Saved Grade NTE and Veterans' Preference Retained Salary under the provisions of ELM 415.32 is enclosed.

**RIF Effective Date** - effective date of the RIF action. Employees who did not receive a placement offer are separated at the close of business on this date.

**30-Day Non-pay/Non-duty** - the first day after the RIF effective date. Employees impacted by a RIF have the option of remaining on the rolls of the Postal Service in a non-pay/non-duty status for 30 days. This allows employees to continue to seek other postal employment or who are awaiting a selection decision concerning an application they filed for a vacant position.

**End of 30-Day Nonpay/Nonduty** - the date the 30-day nonpay/nonduty status ends. Employees who are on the rolls and have not received an offer from the Postal Service are removed from the Postal Service employment roll.

**Last Receipt Date of Form 999** - the last date that employees who are or will be separated on the RIF effective date to file an Application for Reinstatement List, PS Form 999. This date occurs 30 days after the RIF effective date.

**Effective Date of the Reinstatement List** - this date occurs on the 31<sup>st</sup> day after the RIF effective date. This begins the 2-year period that eligible employees may be given **priority consideration** for reinstatement to the Postal Service.

**End of the Reinstatement List Period** - the termination date of a reinstatement list covering a specific RIF action. Generally, the date is 2 years after its effective date or when there are no longer any eligible employees on the list.

### 3 Primary Phases

1. **RIF Avoidance Period** - begins on the date employees are officially notified that an organizational change impacting their competitive area may result in a RIF. During this period the Postal Service may implement a variety of RIF avoidance/minimization strategies to either avoid the need to conduct a formal RIF or minimize the number of employees that would be impacted by the RIF. The RIF avoidance period ends on the date the Specific RIF Notices are issued. Employees who voluntarily elect to change to a lower grade position that is not impacted by the RIF during the RIF avoidance period are eligible for 2 years of protected salary (see ELM 415.2).
2. **Post-RIF Placement Period** - this period begins on the day the Specific RIF Notices are issued and runs until the end of the 30-day nonpay/nonduty period if elected by any impacted employees. During this period, any employees who remain unplaced as a result of the RIF can be considered for any available vacant positions in their competitive area. Employees can apply noncompetitively for any vacant position at or below their current grade level within the commuting area. Employees who voluntarily elect to change to a lower grade position during the post-RIF placement period are eligible for 2 years of protected salary (see ELM 415.4).
3. **Reinstatement List Period** - the reinstatement list period begins on the 31<sup>st</sup> day following the RIF effective date and ends 2 years after the RIF effective date or when there are no longer any eligible employees on the list. During this period, eligible employees may be given **priority consideration** for reinstatement to the Postal Service. For more information on the reinstatement list process, see ELM 354.27.

# REDUCTION IN FORCE (RIF) TIMELINE NONBARGAINING EMPLOYEES

