

3 FAM 2540 REDUCTION-IN-FORCE PROCEDURES FOR THE SENIOR EXECUTIVE SERVICE

3 FAM 2541 GENERAL PROVISIONS

3 FAM 2541.1 Authority

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

—5 U.S.C. 5395 and 5 CFR 359, Subpart F.

3 FAM 2541.2 Policy

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

These regulations will be administered in a manner which will effect the necessary reductions in personnel strength with a minimum of disruption to mission accomplishment and of dislocation to employees.

3 FAM 2541.3 Coverage

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

All Department career employees of the Senior Executive Service.

3 FAM 2541.4 Area of Competition

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

The area of competition is agency wide.

3 FAM 2542 ESTABLISHMENT OF RETENTION REGISTERS

3 FAM 2542.1 Approval

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

The Executive Resources Board must approve a proposed Reduction-in-Force (RIF) action prior to the establishment of retention registers.

3 FAM 2542.2 Retention Register Groups

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

a. Persons on the retention register are listed by group, with performance given primary consideration (5 U.S.C. 3595).

b. Recipients of the Presidential rank of Distinguished Executive will receive an additional three years of service credit, recipients of the Presidential rank of Meritorious Executive will receive an additional two years of service credit, and recipients of an SES performance bonus will receive an additional one year of service credit.

c. Group I includes career executives with fully successful or higher performance ratings.

(1) Subgroup 1A: Career executives with outstanding performance ratings in descending order of service computation dates.

(2) Subgroup 1B: Career executives with excellent performance ratings in descending order of service computation dates.

(3) Subgroup 1C: Career executives with fully successful performance ratings in descending order of service computation dates.

d. Group II includes career executives with less than fully successful performance ratings.

(1) Subgroup IIA: Career executives with a minimally satisfactory performance rating in descending order of service computation dates.

(2) Subgroup IIB: Career executives with an unsatisfactory performance rating in descending order of service computation dates.

e. Group III includes career executives who have not completed the one-year probationary period.

(1) Subgroup IIIA: Probationary appointees with outstanding ratings in descending order of service computation dates.

(2) Subgroup IIIB: Probationary appointees with excellent ratings in descending order of service computation dates.

(3) Subgroup IIIC: Probationary appointees with fully successful performance ratings in descending order of service computation dates.

(4) Subgroup IIID: Probationary appointees with minimally satisfactory performance ratings in descending order of service computation dates.

(5) Subgroup IIIE: Probationary appointees with unsatisfactory performance ratings in descending order of service computation dates.

3 FAM 2542.3 Retention of Records

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

All records concerned with the reduction-in-force will be maintained in the Office of Civil Service Personnel Management (PER/CSP).

3 FAM 2543 DISPLACEMENT AND CONSEQUENCE OF COMPETITION

3 FAM 2543.1 Order of Displacement

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

If there are appointees in a lower subgroup in the same competitive level occupying positions for which the identified appointee is qualified, the appointee of the identified position will be offered reassignment to the position of the appointee with the lowest retention standing. The displaced appointee may, in turn, displace anyone on a retention register who is in a lower retention subgroup and who occupies a position for which the displaced appointee is qualified.

3 FAM 2543.2 Placement Rights

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

a. An SES career appointee to be removed from the Senior Executive Service because of a reduction-in-force within the Department is entitled to be assigned to a vacant Senior Executive Service position for which the career appointee is qualified.

b. A career appointee who was appointed to the SES from a civil service position held under a career or career-conditional, or equivalent tenure appointment is entitled to be placed in a continuing civil service position at grade GS-15 of the General Schedule (5 U.S.C. 3594 (c)(l)(A)).

c. The placement of any career appointee with retreat rights may not be made to a position which would cause the separation or reduction in grade of any other employee (5 U.S.C. 3594 (c)(l)(C)).

3 FAM 2543.3 Reassignment

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

A career appointee may be reassigned to a Senior Executive Service position only if the career appointee receives written notice of the reassignment at least 15 days prior to the effective date. If the reassignment is outside the local commuting area, the written offer will be made at least 60 days prior to the effective date.

3 FAM 2543.4 Notice

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

A career appointee who is identified for RIF and who cannot be placed in another SES position at the Department, will be given a written notice in accordance with 5 CFR 359.302.

3 FAM 2543.5 Priority Placement Consideration

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

Career appointees will receive priority consideration under 5 CFR 359.603, if there is no vacant SES position within the agency for which the appointee is qualified.

3 FAM 2543.6 Separation Entitlements

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

Career executives who are involuntarily separated from the Department's rolls through this RIF process may be entitled to discontinued service retirement provided the eligibility requirements as set forth by the Office of Personnel Management, are met.

3 FAM 2543.7 Appeal Rights

(TL:PER-242; 3-17-95)

(State Only)

(Applies to Civil Service Employees Only)

A career appointee is entitled to appeal to the Merit Systems Protection Board under 5 U.S.C. 7701. Appeals must be filed during the 15-day period beginning with the day after the effective date of the action being appealed.

3 FAM 2544 THROUGH 2549 UNASSIGNED