DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
ANNAPOLIS, MARYLAND 21402

USNAINST 12351.1B
24/EMP DIV
27 April 1982

USNA INSTRUCTION 12351.1B

From: Superintendent

Subj: Reduction in force; policy and procedure for

Ref: (a) Federal Personnel Manual, Chapter 351
(b) Civilian Personnel Instruction 351 (R
(c) 5 CFR, Part 351 (A
(d) Federal Personnel Manual, Chapter 353 (A

1. Purpose. To acquaint all Naval Academy personnel with the reduction-in-force regulations contained in (R references (a), (b), (c), and (d) and to provide guidance and procedures for the administration of these regulations. This instruction reflects changes in the reduction-in-force procedures that resulted from the Civil Service Reform Act of 1978.

2. Cancellation. USNA Instruction 12351.1A.

3. Policy. Reduction-in-force procedures will be used when an employee is released from his/her competitive (R level by separation, demotion, furlough for more than 30 days, or reassignment requiring displacement of another employee. Reduction in force may be caused by lack of work or funds, reorganization, reclassification due to a change in duties, or the need to make a place for a person exercising reemployment or restoration rights, which results in the release of one or more employees from their competitive level. Recognizing the impact that any reduction in force has on employees who would be adversely affected, it is the policy of this activity to notify employees as soon as possible of impending reduction-in-force actions. Further, prior to any reduction-in-force action, effort will be made to accomplish the necessary adjustment in the work force by non-adverse measures such as normal attrition, reassignment, etc. Reduction-in-force actions are approved only by the Superintendent.

4. Responsibility

a. Division/Department Heads. Division and Department Heads are responsible for submitting requests for (R reduction in force or furlough, in memorandum form, to the Superintendent via the Cost Center Head, Civilian Personnel Director, and the Deputy for Management listing the positions and/or ratings involved and the reasons for the reduction in force.

b. Civilian Personnel Department (CPD). The Civilian Personnel Director is responsible for administering the reduction-in-force procedures in accordance with instructions of the Department of the Navy, including the issuance of reduction-in-force notices based on requests from Division/Department Heads which have been approved by the Superintendent or the Deputy for Operations. The Civilian Personnel Director is also responsible for the furnishing of full information to employees affected as to their rights and benefits; the placement of employees reached by reduction in force, wherever possible; and the issuance of personnel action forms effecting the separation, furlough or reassignment of employees. Additionally, the CPD is responsible for the preparation and maintenance of retention registers. (R

5. Basic Factors in Determining Employees Affected by Reduction in Force

a. Competitive Area. The Naval Academy is the competitive area within which employees will compete with (R each other for jobs. For activities serviced by the CPD, Naval Academy, each command is a separate competitive area, i.e., Naval Station, Naval Regional Medical Clinic, Plant Equipment Support Office, etc.

b. Competitive Level. Each competitive level consists of all jobs of the same grade in the competitive (R area which are so similar to each other in all important respects that the people who occupy them are interchangeable with one another. All jobs in a competitive level are similar in duties, responsibilities, pay schedule, and requirements as to experience, training, skills, and aptitude.

c. Retention Register. The names of all employees in a competitive level are listed on a retention (A register in the order of their relative retention standing. Relative standing is based on the following four factors: tenure of employment, veteran's preference, length of service, and performance rating.

(1) Tenure of employment. Tenure of employment determines the employee's retention group: (R

Group I - Career employees who are not serving a probationary period.

Group II - Employees serving probationary periods and career-conditional employees. (D

Group III - Indefinite employees, Temporary Appointment Pending the Establishment of a

Register (TAPER) employees, employees in status quo, employees serving under other nonstatus nontemporary appointments, and term employees.

R) (2) Veteran's Preference. Veteran's preference determines the employee's subgroup. Each of the three tenure groups are divided further into subgroups:

Subgroup AD - Preference eligibles who have a compensable service-connected disability of 30% or more.

Subgroup A - Other preference eligibles.

Subgroup B - Nonpreference eligibles.

A) (3) Length of Service. In each subgroup employees are ranked in the order of their length of service, with any adjustments required by the extra service credit given for performance ratings.

A) (4) Performance Rating. Each employee's performance rating of record on the date of issuance of specific reduction-in-force notices determines the employee's entitlement to additional service credit which is added to each employee's creditable service.

(a) Each employee who has an "Outstanding" performance rating receives four years of additional service.

(b) Each employee whose performance meets but does not exceed the established minimum performance standards for the critical elements of his or her position is not credited with any additonal years of service.

A) (5) Special Groups. Each agency selects competing employees for release from their competitive level in the inverse order of their retention standing beginning with the employee having the lowest standing. However, mandatory exceptions give the following special retention priorities to certain employees.

R) (a) Each Group I or II preference eligible employee entitled to retention for one year after restoration as provided in reference (d), is retained over other employees in his or her subgroup until the end of the one year period.

A) (b) Each Group I or II nonpreference eligible employee, entitled to retention for either six months or one year after restoration as provided in reference (d), is retained over other employees in his or her subgroup for the retention period.

R) (c) Employees who hold temporary limited appointments in a competitive area being reduced do not compete for retention; they are released before any person in any of the above groups are released.

(d) Separate retention registers are maintained for employees who are in the excepted service, on different pay schedules, intermittent, part-time, seasonal, and assigned to a formally designated trainee position.

A) (e) Agencies may make permanent exception to the reduction-in-force general order of release to continue an employee on duties that higher standing employees cannot take over within 90 days, and without undue interruption to the agency.

A) 6. Furlough. Reduction-in-force regulations are utilized to furlough competing employees only when an agency intends to recall those same employees within one year to duty in the same position from which they were furloughed. Under no circumstances will employees be furloughed for more than one year. When furloughing an employee for less than 30 days because of lack of work or funds, the furlough is not a reduction-in-force action. Employees are recalled to duty in the order of their retention standing beginning with the highest standing employee.

A) 7. Transfer of Function. Transfer of function means the transfer of the performance of a continuing function from one competitive area and its addition to one or more other competitive areas, or the movement of the competitive area in which the function is performed to another commuting area. When an employee's work transfers he or she is entitled to transfer with it if lack of an opportunity to do so would result in his or her demotion or separation.

8. Breaking Ties. In establishing the retention order within each retention subgroup, if two or more employees in the same subgroup are tied insofar as total service in years, month, and days is concerned, the ties shall be broken in the following order:

a. Total federal civilian service at the activity.

b. Total length of civilian service in current position or rating.

c. If ties still remain after considering the above, they shall be broken by placing the names of employees concerned on the retention register in alphabetical order.

A) 9. Preparation and Delivery of Notices. Individual written notices to each employee to be furloughed, sepa-

must be delivered in time to provide the employee at least 60 days advance notice in accordance with reference (b).

10. Placement Procedures. Employees reached for reduction-in-force action may be considered for placement in (D
vacant positions of equal or lower representative pay rates to the employee's present position. However, no employee has a right to be placed in a vacancy. In addition, employees in retention Groups I or II who are reached for reduction in force are entitled, under certain conditions to displace other employees occupying positions for which they are qualified. The CPD will attempt to effect the placement of affected employees and will advise them as soon as practicable whether or not placement is possible.

11. Commuting Area. For placement, commuting area shall be the Naval Academy, and David W. Taylor Naval (A
Ship Research and Development Center, Annapolis, Maryland; Naval Plant Representative Office, Baltimore, Maryland; and other activities located in the Naval Academy area.

12. Inspection of Registers and Instructions. Any employee affected by reduction in force shall have the right to examine applicable retention registers and current instructions on reduction in force. This can be accomplished by contacting the CPD.

13. Other Separations. If any other type of separation is justified during the notice period, such other separation shall be taken under the appropriate procedures.

14. Disciplinary Actions. If employees are found guilty of infraction of rules and regulations during the reduction-in-force notice period, such as unauthorized absence, conduct unbecoming an employee, etc., action will be taken in accordance with existing disciplinary procedures; reduction-in-force procedures will not be used as an excuse to defer or ignore appropriate disciplinary action.

15. Appeals. If an employee who has been reached by reduction-in-force action believes the action deprives him or her of any rights to which entitled under Navy or Office of Personnel Management (OPM) regulations, he or she may appeal such actions to the Merit Systems Protection Board (MSPB). Appeals may be filed at any time after the effective date of the reduction in force, but not later than 20 calendar days after the effective date of the action. Employees in a bargaining unit covered by a negotiated grievance procedure must use the negotiated grievance procedure and may not appeal reduction-in-force actions to MSPB unless the procedure specifically excludes reduction-in-force actions. Time limitations for filing or processing such a grievance will be found in the appropriate agreement.

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