

3 FAM 2530 REDUCTION-IN-FORCE CIVIL SERVICE

*(CT:PER-568; 09-22-2005)
(Office of Origin: HR/CSP)*

3 FAM 2531 GENERAL PROVISIONS

3 FAM 2531.1 Authority

*(CT:PER-568; 09-22-2005)
(State Only)
(Applies to Civil Service Employees Only)*

- 5 U.S.C. 3501-3504
- 5 CFR 351
- 5 CFR 330, Subpart B
- *5 CFR 430.201 (c) and 430.208 (d)(5)*
- *3 FAM 2900*

3 FAM 2531.2 RIF Policy and Procedures

*(CT:PER-568; 09-22-2005)
(State Only)
(Applies to Civil Service Employees Only)*

To the maximum extent feasible, the Department will exhaust all options to avoid a reduction in force (RIF). Should a RIF involving Civil Service employees of the Department of State become necessary, the Department will follow the policy and procedures in this subchapter, the authorities listed in 3 FAM 2531.1, and any applicable collective bargaining agreement.

3 FAM 2531.3 Definitions

*(CT:PER-568; 09-22-2005)
(State Only)*

(Applies to Civil Service Employees Only)

Definitions of certain terms used in these regulations can be found at 5 CFR 351.203.

3 FAM 2531.4 Employee Coverage

(CT:PER-568; 09-22-2005)

(State Only)

(Applies to Civil Service Employees Only)

- a. In accordance with 5 CFR 351, Subpart B, these regulations apply to all Civil Service employees in the Department, including those in the competitive and the excepted service, except those noted under section 3 FAM 2531.4.*
- b. These regulations do not apply to:
- (1) Members of the Senior Executive Service;
 - (2) Members of the Foreign Service;
 - (3) Employees whose appointments are required by Congress to be confirmed by, or made with the advice and consent of, the U.S. Senate;
 - (4) Personal services contractors;
 - (5) Employees serving under time-limited appointments for one year or less (*e.g., experts and consultants*); and
 - (6) Employees appointed to positions under Schedule C (*see 5 CFR 213.3301 / 3302*).

3 FAM 2531.5 Applicability

(TL:PER-318; 05-28-1996)

(State Only)

(Applies to Civil Service Employees Only)

These regulations apply when a competing employee is released from his or her competitive level by furlough for more than 30 days, separation, demotion, or reassignment requiring displacement, when the release is required because of:

- (1) Lack of work;

- (2) Shortage of funds;
- (3) Insufficient personnel ceiling;
- (4) Reorganization;
- (5) The exercise of reemployment rights or restoration rights; or
- (6) Reclassification of an employee's position due to erosion of duties when such action will take effect after the Department has formally announced a reduction in force in the employee's competitive area and when the reduction in force will take effect within 180 calendar days.

3 FAM 2532 COMPETITIVE AREAS

(CT:PER-568; 09-22-2005)

(State Only)

(Applies to Civil Service Employees Only)

- a. In the Washington, DC commuting area, separate competitive areas are established for each bureau, equivalent office, or other organization listed in 3 FAM 2530, *Exhibit 2532*. These competitive areas include those field office activities located in the Washington, DC commuting area that report to them.
- b. Outside the Washington, DC commuting area, separate competitive areas are established for each activity in a local commuting area that reports to a bureau, equivalent office, or other organization listed in 3 FAM 2530, *Exhibit 2532*.
- c. *Competitive and excepted service employees compete separately for retention.*

3 FAM 2533 PROCEDURES

3 FAM 2533.1 Review of Position Descriptions

(CT:PER-568; 09-22-2005)

(State Only)

(Applies to Civil Service Employees Only)

The classification of an employee's position of record is a key factor in making certain RIF determinations. It is important that positions be

classified in the correct series and grade for the duties and responsibilities assigned to an employee. Supervisors and employees are encouraged, on an annual basis, to review position descriptions for accuracy. (See 3 FAM 2640 for information on position classification appeals.)

3 FAM 2533.2 Establishment of Competitive Levels

(TL:PER-318; 05-28-1996)

(State Only)

(Applies to Civil Service Employees Only)

The Director *General of the Foreign Service and Director of Human Resources* or his/her designee will establish competitive levels in accordance with 5 CFR 351.403.

3 FAM 2533.3 Establishment of Retention Registers

(CT:PER-568; 09-22-2005)

(State Only)

(Applies to Civil Service Employees Only)

The Director General of the Foreign Service and Director of Human Resources or his/her designee will establish all retention registers required during a reduction in force, reflecting the retention standing of each competing employee in accordance with 5 CFR Part 351, Subpart E.

- a. All competing employees officially assigned to positions in a competitive level are listed on the retention register for that level whether they are on active duty, on detail to positions in other levels, on paid or unpaid leave, or on nonmilitary furlough.*
- b. All competing employees temporarily promoted from positions in a competitive level to positions in other competitive levels must be listed on the register from which they are temporarily promoted.*
- c. The Foreign Service Employee Evaluation Report will be considered an equivalent rating of record for any Civil Service employee serving on a limited, non-career appointment in the Foreign Service for any rating period that is considered in determining retention standing.*

3 FAM 2533.4 Release and Maintenance of Retention Registers

(CT:PER-568; 09-22-2005)

(State Only)

(Applies to Civil Service Employees Only)

- a. Retention registers will be released in accordance with 5 CFR 351.505.
- b. For privacy purposes, the retention register provided for employee review and to the union will be sanitized by the removal of the social security numbers.
- c. Retention registers and related records that have been used to effect a RIF will be maintained by the Department for at least one year from the date that specific notices are issued, or as long as an administrative or judicial action is pending, whichever is longer.

3 FAM 2533.5 Release From Competitive Level

(CT:PER-568; 09-22-2005)

(State Only)

(Applies to Civil Service Employees Only)

When reduction in force requires release of one or more competing employees from a competitive level, the Department will do so in accordance with 5 CFR Part 351, Subpart F

3 FAM 2533.6 Transition Assistance

(CT:PER-568; 09-22-2005)

(State Only)

(Applies to Civil Service Employees Only)

Displaced and surplus employees, as defined in 5 CFR 330.604, shall be eligible for career transition assistance as set forth in 5 CFR 330, Subpart F and 3 FAM 2900.

3 FAM 2533.7 Notice to Unions and Employees

3 FAM 2534.7-1 Advance Notice to Union

(CT:PER-568; 09-22-2005)

(State Only)

(Applies to Civil Service Employees Only)

When a bureau, equivalent office, or other organization within the Department notifies the Bureau of Human Resources (HR) that it intends to

conduct a RIF, and a RIF is determined to be necessary, HR will notify any union representing potentially affected employees of the Department's intent. The union may request information related to the intended RIF and make suggestions related to the issue. The Department will follow and apply these RIF regulations and the requirements of 5 CFR Part 351 only after apprising the union that a RIF has been determined necessary and giving the union an opportunity to ask questions and respond.

3 FAM 2533.7-2 Specific Notice of Reduction in Force

(CT:PER-568; 09-22-2005)

(State Only)

(Applies to Civil Service Employees Only)

- a. In accordance with 5 CFR 351, Subpart H, employees selected for release from a competitive level will be given a specific written notice by the Director General of the Foreign Service and Director of Human Resources or his/her designee at least 60 calendar days before the effective date of release. If a notification period less than 60 days is required, the Director General will request authority from OPM to utilize a shorter notice period, but not below the minimum of 30 calendar days in accordance with 5 CFR 351.801(b).*
- b. A new or amended specific notice will be given to an employee under the conditions specified in 5 CFR 351.805.*
- c. At the same time a specific notice is issued, a copy will be provided to the union, if any, which represents the affected employee.*

3 FAM 2533.8 Assignment Rights

3 FAM 2533.8-1 Assignment Involving Displacement

(CT:PER-568; 09-22-2005)

(State Only)

(Applies to Civil Service Employees Only)

Competitive service employees released from their competitive level will be afforded assignment rights (bump and retreat) in accordance with 5 CFR Part 351, Subpart G. While competing separately for retention purposes, excepted service employees will be afforded the same assignment rights as competitive service employees.

3 FAM 2533.8-2 Qualifications for Assignment

(CT:PER-568; 09-22-2005)
(State Only)
(Applies to Civil Service Employees Only)

- a. In order to be assigned to a position involving displacement of another employee, the employee must meet the qualifications *for assignment as* contained in 5 CFR 351.702.
- b. *The Director General of the Foreign Service and Director of Human Resources or his/her designee may assign an employee to a vacant position under 5 CFR 351.201(b) or 351.701 without regard to OPM's standards and requirements for the position, provided:*
 - (1) The employee meets any minimum education requirements prescribed by OPM; and
 - (2) *The Director General of the Foreign Service and Director of Human Resources or his/her designee determines that the employee has the capacity, adaptability, and special skills needed to satisfactorily perform the duties and responsibilities of the position.*

3 FAM 2533.8-3 Declination of Offer

(CT:PER-568; 09-22-2005)
(State Only)
(Applies to Civil Service Employees Only)

An employee who refuses an offer that is in accord with their rights will be furloughed or separated in accordance *with 5 CFR 351.603.*

3 FAM 2534 ESTABLISHMENT AND MAINTENANCE OF REEMPLOYMENT PRIORITY LISTS

(CT:PER-568; 09-22-2005)
(State Only)
(Applies to Civil Service Employees Only)

Reemployment Priority Lists will be established and maintained in accordance with 5 CFR 330, Subpart B and 3 FAM 2940.

3 FAM 2535 APPEALS

(CT:PER-568; 09-22-2005)

(State Only)

(Applies to Civil Service Employees Only)

An employee who has been furloughed for more than 30 days, separated, or demoted by a reduction in force action may appeal to the Merit Systems Protection Board (MSPB) under the procedures set forth in 5 CFR 1201 Subpart B. An employee reassigned by a reduction in force (RIF) action may not appeal the action.

3 FAM 2536 THROUGH 2539 UNASSIGNED

3 FAM 2530 EXHIBIT 2532 COMPETITIVE AREAS

(CT:PER-568; 09-22-2005)

Each of the following bureaus, offices, and/organizations (see 3 FAM 2532) constitute a separate competitive area:

- (1) Bureau of Administration (A);
- (2) Bureau of African Affairs (AF);
- (3) Bureau of Arms Control (AC);
- (4) Bureau of Consular Affairs (CA);
- (5) Chief of Protocol (CPR);
- (6) Bureau of Democracy, Human Rights, and Labor (DRL);
- (7) Bureau of Diplomatic Security (DS);
- (8) Bureau of East Asian and Pacific Affairs (EAP);
- (9) Bureau of Educational and Cultural Affairs (ECA);
- (10) Bureau of Economic and Business Affairs (EB);
- (11) Bureau of European and Eurasian Affairs (EUR);
- (12) Bureau of Resource Management (RM));
- (13) Foreign Service Institute (FSI);
- (14) Bureau of Legislative Affairs (H);
- (15) International Information Programs (IIP);
- (16) Bureau of International Narcotics and Law Enforcement Affairs (INL);
- (17) Bureau of Intelligence and Research (INR);
- (18) Bureau of International Organization Affairs (IO);
- (19) Bureau of Information Resource Management (IRM);

- (20) Office of the Legal Adviser (L);
- (21) Bureau of Near Eastern Affairs (NEA);
- (22) Bureau of Nonproliferation (NP) (includes all entities within the Executive Office);
- (23) Bureau of Oceans and International Environmental and Scientific Affairs (OES);
- (24) Overseas Buildings Operations (OBO);
- (25) Office of Foreign Missions (OFM);
- (26) Office of *the* Inspector General (OIG);
- (27) Office of Medical Services (MED);
- (28) Bureau of Public Affairs (PA);
- (29) Bureau of Human Resources (M/DGHR) (*includes all entities under M/DGHR unless specifically listed as a separate competitive area*);
- (30) Bureau of Political-Military Affairs (PM);
- (31) Bureau of Population, Refugees, and Migration (PRM);
- (32) Bureau of South Asian Affairs (SA);
- (33) Bureau of Verification and Compliance (VC);
- (34) Bureau of Western Hemisphere Affairs (WHA);
- (35) Office of the Coordinator for Reconstruction and Stabilization (S/CRS);
- (36) Office of the Global AIDS Coordinator (S/GAC); and
- (37) Office of the Secretary (S) (includes all entities under S unless specifically listed as a separate competitive area).