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ADS Chapter 454

Reduction in Force - Foreign Service

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 ADS Chapter 454 – Reduction in Force – Foreign Service
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ADS Chapter 454 – Reduction in Force – Foreign Service

454.1 OVERVIEW

This section provides policy guidance on conducting a Reduction In Force (RIF) of Senior Foreign Service (SFS) and Foreign Service (FS) employees when such reduction is necessary. This applies to all USAID Senior Foreign Service (SFS) and Foreign Service (FS) employees serving in career and career candidate appointments under the FSA, Chapter 3.

454.2 PRIMARY RESPONSIBILITIES

a. Assistant Administrator for Management (AA/M)

- 1) Authorizes a specific Reduction In Force based on the determination that a RIF is necessary.
- 2) Based on the recommendations of the Office of Human Capital and Talent Management (HCTM), determines the Competitive Levels, classes, and numbers to be reduced through a RIF. Submits specific recommendations to the Administrator for approval.

b. Office of Human Capital and Talent Management (HCTM)

Implements a RIF when it has been authorized by the Administrator, and in consultation with the bureaus, field missions, and the exclusive representatives of the Foreign Service employees, makes recommendations to the AA/M on the Competitive Levels, classes, and numbers to be reduced through RIF.

454.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

The following are the official Agency policies and corresponding essential procedures.

454.3.1 Reduction in Force

USAID shall reduce the work force if there is a shortage of funds, organizational changes, realignment of mission, and/or changes in skills and work force needs. Notwithstanding, USAID shall take all steps it deems reasonable to reduce operating expenditures prior to instituting RIF procedures for the Senior Foreign Service or Foreign Service.

At the time management decides a Reduction in Force is necessary, and after appropriate consultation with Foreign Service employee representatives, the Director of the Office of Human Capital and Talent Management (DAA/HCTM) will issue an Agency-wide announcement of the RIF. The notice will contain information on the number of employees to be released, the Competitive Levels affected, and the

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probable timing of the RIF as proposed at the time of the Agency's decision.

454.3.2 Primary Skill Code

a) Assignment of Primary Skill Codes

All employees shall be assigned a Primary Skill Code.

b) Primary Skill Code Freeze

Assigned Primary Skill Codes will be frozen when a General RIF Notice is issued. From the time of the freeze until the completion of the RIF, an employee's Primary Skill Code may be changed only if the Chief, Office of Human Capital and Talent Management, Personnel Operations Division (HCTM/POD) or the Chief, Office of Human Capital and Talent Management, Executive Management Staff (HCTM/EM), determines that the assigned code is in error and does not accurately reflect the employee's record of experience, education, and training.

The Primary Skill Code will consist of a three digit code which utilizes the Backstop Code and, in most cases, an added zero. (See [Primary Skill Code List](#))

a) Assignment of Primary Skill Codes.

Backstops which contain more than one broad occupation will have additional Primary Skill Codes established within the Backstop structure (e.g., BS-50 is subdivided into Primary Skill Code 501 for physicians and Primary Skill Code 502 for non-physician Health Development and Population Development Officers.)

A listing of all tentative Primary Skill Code assignments shall be made by HCTM/POD and HCTM/EM to determine if the tentative Primary Skill Code properly identifies the skill area in which the employee is best qualified by USAID service, experience, education, and training. In all cases where it is believed that an employee is more properly assigned to another Primary Skill Code (e.g., a Technical Officer whose service is largely in a technical Backstop, but who is currently assigned to a Desk Officer, BS-02, position), the employee will be advised in writing of the intention to change their Primary Skill Code. In addition, by USAID General Notice, all SFS and FS employees will be advised that they may request the Chief, Office of Human Capital and Talent Management, Personnel Operations Division (HCTM/POD) or the Chief, Office of Human Capital and Talent Management, Executive Management Staff (HCTM/EM) to consider a change to their tentative Primary Skill Code.

Once assigned, Primary Skill Codes will be reviewed periodically by HCTM/POD or HCTM/EM to ensure that they are current and accurate, and employees will be advised by the appropriate personnel office of any proposed changes.

b) Primary Skill Code Freeze

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Once all SFS and FS employees are assigned to a Primary Skill Code no action resulting in movement to or from a Primary Skill Code will be effected after a RIF is announced or prior to its completion.

454.3.3 Establishment of Retention Registers

The competitive area for the Senior Foreign Service and the Foreign Service is service-wide and world-wide.

Retention registers will be prepared by the Office of Human Capital and Talent Management for the Competitive Level(s) affected and will list, in order of retention, the names of each competing employee assigned to the competitive level.

When a RIF is authorized and announced by the Agency, HCTM/EM prepares a retention register for the Senior Foreign Service and HCTM/POD prepares a retention register for the Foreign Service. These registers are prepared for the Competitive Level(s) affected and list the names of each competing employee officially assigned to the Competitive Level.

454.3.4 Order of Separation

The Agency will establish the order of separation of employees in any competitive level.

Employees holding career and career candidate positions in a given primary skill code shall not be released from their Competitive Levels within that Primary Skill Code until all employees holding limited, non-career appointments in that Primary Skill Code have been separated. Employees holding career appointments shall not be released from their Competitive Levels in a RIF until all career candidate employees in the same Competitive Levels have been released.

Within a Primary Skill Code, no career or career candidate employee will be separated until all limited, non-career appointees in the Primary Skill Code are separated. The order of separation in any Competitive Level begins in inverse order with the lowest ranked employee (i.e., the one with the fewest points) in the lowest retention subgroup. Employees compete for retention within the same Competitive Level only.

a) Application of Veteran's Preference

There three categories reflecting employees' entitlement to veteran preference subject to 5 USC 2108, and 5 USC 3501(a)(3): (a) Employees who have compensable

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service-connected disabilities of 30% or more; (b) other veteran preference eligibles; and (c) employees not entitled to veteran preference. Each category will be assigned retention points as detailed in 454.3.4 para d.

b) Career Status

For the Senior Foreign Service, employees will be further divided into three subgroups: (a) the subgroup of employees whose Time-In-Class (TIC) has not expired are the highest ranked, (b) those serving on a Limited Career Extension (LCE) are next highest ranked, and (c) those who are serving on a 607(d)(2) Temporary Career Extension are lowest ranked. Separation begins with the lowest ranked subgroup.

For the Foreign Service, the names of competing employees in a given Competitive Level are first placed in one of two groups on a retention register on the basis of their tenure group, i.e., career and career candidate. The former is the higher ranked; the latter lower and is where separation begins.

c) Retention Standing of SFS and FS Employees.

Within each subgroup, the relative standing of each Senior Foreign Service and Foreign Service Officer on the retention register will be determined by assigning points for the following: performance, overseas service, language proficiency, creditable government service, and performance awards/bonuses. All competing employees in a given competitive level, whether in work or leave status, are shown on the register.

In a case where the line for separation is to be drawn between two or more employees who have the same number of points, ties will be broken by ranking the tied employees first in order of their performance points, and then length of U.S. Government service, based on the employee's Service Computation Date (SCD).

d) Core Retention Standing Factors for SFS and FS Employees.

VETERANS PREFERENCE

- Credit 20 points to employees who have compensable service-connected disabilities of 30% or more;
- Credit 10 points to employees who have other veteran preference eligibility;
- Credit zero points to employees who are not entitled to veteran preference.

PERFORMANCE

(based on actions of last six Selection Boards)

- Credit 10 points for each year of performance in category A, recommended for promotion;

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- Credit 5 points for each year of performance in Category B;
- Credit -5 points for each year of performance in Category C;
- Credit -10 points for each year of performance in Category D;
- For each year of employment for which an employee is not rated, an average of the rated years shall be substituted for the non-rated year (e.g. an employee with one "A" (10 points, three "B" (15 points), one "c" (-5 points) report cards and one non-rated report card (20 points over five years) would receive 4 points for the non-rated year, for a total of 24 points. Fractions of points will be rounded up or down to the next full point.

PROMOTION

(based on actions of last six Selection Boards)

- Credit 10 points for each promotion;

GOVERNMENT SERVICE

- Credit one point for each full year of creditable service with the U.S. Government, based on the employee's Service Computation Date (SCD);
- Credit an additional 1/2 point for each full year of USAID service which has been spent on assignments overseas in the last 10 years;
- Credit 1/2 point for each full year of USAID service at a post designated as a hardship post, at the time of service, in the last 10 years.

LANGUAGE PROFICIENCY

- Credit 4 points for a tested proficiency in two or more USAID tenure qualifying languages at a level sufficient for tenure purposes.
- Credit 2 points for a tested proficiency in a USAID tenure qualifying language at a level sufficient for tenure purposes.

ADDITIONAL RETENTION FACTORS FOR SENIOR FOREIGN SERVICE EMPLOYEES.

PERFORMANCE

(based on actions of last six Selection Boards)

- Credit 20 points for recommendation or receipt of each Distinguished Presidential Rank Award;
- Credit 15 points for recommendation or receipt of each Meritorious Presidential Rank Award;
- Credit 5 points for recommendation by the "C" Board or receipt of each performance bonus;

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ADDITIONAL RETENTION FACTORS FOR FOREIGN SERVICE EMPLOYEES.

PERFORMANCE
(during last six years)

- Credit 10 points for Superior Honor Award;
- Credit 5 points for Meritorious Honor Award.

e) Separation of Employees.

After the RIF retention register(s) is approved by HCTM/POD and/or HCTM/EM, employees are separated in their order of ranking on the register, beginning with the employee with the lowest retention standing and continuing up the register, separating each next ranking employee until the required number of separations from that Competitive Level has been effected.

454.3.5 RIF Notice

When a RIF is authorized, HCTM will issue a RIF notice to each SFS or FS employee reached for separation; for employees stationed in USAID/W at least 60 days prior to the effective date of the separation, for employees stationed outside USAID/W at least 90 days prior to the effective date of the separation. The notice will include the effective date of separation, information on how the employee was reached for separation, information on the right either to file a grievance under Chapter 11 of the FSA or to appeal to the Merit Systems Protection Board (MSPB) and information on any appropriate annuity or separation payment.

- a) Issuance of the Specific RIF Notice. (See [Specific RIF Notice](#))
- 1) After management decides a Reduction in Force is necessary, consults with employee representatives, and issues the Agency-wide General RIF Announcement, Specific RIF Notices will be issued by HCTM. The notice period begins the day after the employee receives a RIF notice. Neither the date the employee receives the notice, nor the effective date of the RIF action, may be counted in computing the notice period. The Agency will not count a Saturday, Sunday, or legal holiday as the last day of the minimum notice period.
 - 2) HCTM/POD or HCTM/EM advises employee and the Mission or Office whether the affected employee has reemployment rights in the Agency or to another federal agency. If the employee has reemployment rights, HCTM/POD or HCTM/EM notifies the appropriate organization or agency of the proposed separation from the Foreign Service. HCTM/POD or HCTM/EM will prepare personnel actions (SF-50) effecting employee RIF separations.

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b) Employees at Overseas Posts.

Employees overseas will be provided at least 90 calendar days notice prior to the effective date of separation.

Employees having reemployment rights in USAID/Washington or to another federal agency will also be granted at least 90 calendar days notice, which includes 15 calendar days TDY in USAID/Washington prior to the effective date of separation. Employees may request, in writing to the DAA/HCTM, a waiver of TDY if they desire to separate at post.

If an employee's services cannot be effectively used at post during the notice period, the employee (either with or without reemployment rights) will be authorized to serve all active duty in USAID/Washington. In these circumstances, the active duty period may, at the Agency's discretion, be reduced from 90 days to no fewer than 60 days.

Employees separating at post will normally be authorized direct travel from post to separation residence; however, the DAA/HCTM may authorize travel via Washington, D.C. in unusual circumstances, e.g., for special medical evaluation, etc.

c) Employees Assigned to USAID/Washington.

Employees assigned to USAID/Washington who do not have reemployment rights in USAID/Washington or to another federal agency will be provided at least 60 calendar days notice prior to the effective date of separation. Employees separating from USAID/Washington will be authorized travel to their separation address.

d) Substitution of Leave for Active Duty.

At the written request of an employee (whether serving overseas or in USAID/Washington), the DAA/HCTM has the option to allow the substitution of available annual leave, leave without pay, or sick leave, as appropriate, for any or all of the active duty period.

e) Furlough during RIF Notice Period

When in an emergency the Agency lacks funds for the payment of salaries and benefits for all or part of the notice period, the DAA/HCTM may order a furlough. Employees who have received RIF notices may be placed on furlough status during the period of time that funds remain unavailable.

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f) Resignation prior to effective date of RIF Notice

Employees who have received a specific RIF separation notice and choose to resign prior to the effective date or cancellation of their RIF notice, shall be considered to have been involuntarily separated by RIF.

454.3.6 Extension of Active Duty

- a) The DAA/HCTM is authorized to extend the active duty period prior to the separation date when the extension is for the convenience of the Government and does not violate the right of other separating employees
- b) Mission requests for extension of an active duty period are made to the DAA/HCTM through the appropriate personnel office (HCTM/POD or HCTM/EM) with full justification and explanation of need for the extension.

454.3.7 Withdrawal of Notice

The Agency has the option to withdraw a specific RIF Notice at any time prior to the effective date of the action. An employee's notification of the withdrawal of a specific notice must be made in writing and indicate the effective date of withdrawal, the reason for the withdrawal, and the employee's current status resulting from the withdrawal.

454.3.8 Availability of Retention Registers

Employees who have received a specific RIF Notice will be entitled to inspect retention registers related to the RIF action. Specific RIF Notices will advise employees of their right to review retention registers and other materials related to the RIF action. Retention registers also will be made available for review to bargaining unit representatives of affected Foreign Service employees.

454.3.9 Right to Appeal

An employee has the right to appeal a RIF action to the Merit Systems Protection Board (MSPB) or, if applicable, to use the Foreign Service grievance procedure in accordance with the FSA, Chapter 11.

An employee who has been subject to RIF action has the right to appeal the action to the Merit Systems Protection Board (MSPB) under the provisions of MSPB regulations or, if applicable, to use the Foreign Service grievance procedure under the FSA, chapter 11.

- a) MSPB Appeals.

Appeals to the MSPB must be filed during the 30 calendar days beginning with the day after the effective date of the RIF separation action.

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- b) Submission of Grievances to the Agency under 3 FAM 660, Foreign Service Grievance System

Grievances shall be limited to cases of reprisal, interference in the conduct of the employee's official duties, or similarly inappropriate use of RIF authority by the Agency. Such grievances are initiated at the Agency level with the DAA/HCTM and must be submitted prior to the effective date of the RIF (i.e., the date on which one is separated). The filing of a grievance will not delay the effective date of the separation.

454.3.10 Outplacement Assistance

The Office of Human Capital and Talent Management will provide outplacement assistance to Foreign Service employees who are being separated from the Agency due to a RIF. Employees to be separated by RIF are also eligible to participate in the Agency Career Transition Assistance Program (CTAP).

454.4 MANDATORY REFERENCES

454.4.1 External Mandatory References

Effective Date: 09/18/2002

There are no External Mandatory References for this chapter.

454.4.2 Internal Mandatory References

- a. [Primary Skill Code List](#)
- b. [Section 611 of the Foreign Service Act \(FSA\) of 1980, as amended, "Reduction in Force"](#)
- c. [Specific RIF Notice](#)

454.5 ADDITIONAL HELP

Effective Date: 09/18/2002

There are no Additional Help documents for this chapter.

454.6 DEFINITIONS

The terms and definitions listed below have been incorporated into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

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active duty period

The portion of the RIF notice period in which an employee is in work status. (**Chapter 454**)

competitive area

The organizational unit(s) or subdivision and geographical location within the Agency in which employees compete for retention under RIF procedures. Separate competitive areas are established for each bureau or equivalent organization listed in the USAID Competitive Areas mandatory reference. Employees in a competitive area compete only with each other; they do not compete with employees in another competitive area. (**Chapters [452](#), [454](#), [455](#)**)

competitive level

A grouping of all positions within a competitive area which are in the same grade (or occupational level) and classification series, and which are similar enough in duties, qualification requirements, pay schedule, and working conditions so that reassignment of one employee to any other position within that level may occur without undue interruption. (**[Chapter 452](#), [453](#), 454**)

general RIF announcement

An Agency-wide announcement of the need or possible need for a RIF. This general notice contains information on the scope of any RIF, including the number of employees to be released, the competitive levels from which they are to be released, and the probable timing of the RIF as proposed at the time of the Agency's decision. (**Chapter 454**)

primary skill code

All employees are assigned to a Primary Skill Code which identifies the skill area in which the employee is best qualified by USAID service, experience, education, and training. (**Chapter 454**)

reduction in force

The release of a career or probationary appointee from a position in the Senior Executive Service (SES) because the appointee has been displaced by a career or probationary appointee in a surplus position who has a higher retention standing, or the release of a career or probationary appointee from a surplus position in the SES when such appointee has the lowest retention standing of those occupying SES positions for which the appointee is qualified.

An action taken by the Agency when it has been determined that there is a surplus of employees at a particular location in a particular line of work due to lack of work, shortage of funds, insufficient personnel ceiling, reorganization, the exercise of reemployment or restoration rights, or reclassification of an employee's position due to erosion of duties which will take place after the Agency has formally announced a RIF. The result of this action is furlough for more than 30 days, separation, demotion, or reassignment requiring displacement of employees.

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A Personnel action that releases a competing SFS or FS employee from their Competitive Level by separation. (**Chapter 454**)

retention register

A listing prepared by the Agency for a specific competitive level which will be reached by RIF, listing all competing employees by tenure group, veteran preference, length of service, and performance in descending order. ([Chapter 452](#), **454**)

specific RIF notice

A written communication from an Agency official to an individual employee providing notice that the employee will be reached for a RIF separation action. (**Chapter 454**)

tenure groups (Civil Service)

One of three groups in which an employee is ranked on a retention register according to the type of appointment under which they serve (i.e., career, career-conditional, or temporary appointments). (**Chapter 452, 454**)

tenure groups (Foreign Service)

The group to which employees in the same Competitive Level are assigned, based on type of appointment, for the purpose of determining retention standing. There are two tenure groups, Group I (for career employees) and Group II (for career candidates). (**Chapter 454**)

veterans' preference

A retention preference for employees so entitled under 5 USC 2108, and 5 USC 3501(a)(3). (**Chapter 454**)

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