

## STAFFING

**1. REASON FOR ISSUE:** To revise Department of Veterans Affairs (VA) procedures for terminating hybrid employees appointed under 38 U.S.C. 7405(a)(1)(B), to reflect changes in VA's performance management system, and to eliminate annual Career Transition Assistance Program (CTAP) report requirements.

**2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains mandatory VA procedures on staffing and downsizing. The pages in this issuance replace the corresponding page numbers in part IV of VA Handbook 5005. This revision reflects the reduction-in-force coverage now accorded hybrid title 38 employees appointed under 38 U.S.C. 7405(a)(1)(B), as a result of Public Law 108-170, the "Veterans Health Care, Capital Asset, and Business Improvement Act of 2003," dated December 6, 2003. Part IV has been further revised to take into account changes in VA's performance management system and to delete the requirement for an annual CTAP report. References provided on the affected pages have also been updated. These changes will be incorporated into the electronic version of VA Handbook 5005 that is maintained on the [Office of Human Resources Management and Labor Relations Web site](#).

**3. RESPONSIBLE OFFICE:** The Recruitment and Placement Policy Service (059), Office of the Deputy Assistant Secretary for Human Resources Management and Labor Relations.

**4. RELATED DIRECTIVE:** VA Directive 5005, Staffing.

**5. RESCISSIONS:** None.

**CERTIFIED BY:**

**BY DIRECTION OF THE SECRETARY  
OF VETERANS AFFAIRS:**

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PART IV. REDUCTIONS IN STAFF

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## PART IV. REDUCTIONS IN STAFF

### CHAPTER 1. GENERAL

**1. SCOPE.** This part covers activities and actions at facilities associated with effecting employment reductions and changes based on such factors as change in mission, reorganization of work, changes in workload, a lack of funds and other matters that are unrelated to individual employee conduct and performance issues. Included in this part are furlough, title 5 reduction in force (RIF), career transition assistance, and title 38 staff adjustment requirements.

**2. RESPONSIBILITY.** Managers will ensure requirements associated with this part are met, and will otherwise attempt to minimize the adverse impact of necessary changes within their organizations by assisting employees to understand the reasons for changes, assisting employees to make career transitions, and treating employees in a fair and equitable manner.

**3. REPORTING STAFF REDUCTIONS TO THE OFFICE OF MANAGEMENT AND BUDGET.** VA will provide the Office of Management and Budget [(OMB)] with information concerning planned reductions in staff and furloughs. See the [OHRM&LR Web site](#) for the requirements for submitting information to VA Central Office [(VACO)] prior to conducting RIFs, staff adjustments or furloughs.

[**4. RECORDS.** Human Resources Managers are responsible for maintaining records that are used to determine an employee's RIF or staff adjustment retention standing and for ensuring that access to such records is consistent with 5 CFR 351.505 (b) and VA Handbook 5025. VA will make available for review by the Union and employees those records which they are permitted to inspect, and will provide copies to the extent possible and reasonable. Records must be maintained for 2 years after completion of the staff reduction activity. Records must be maintained for a longer period if there are pending third-party actions (e.g., grievance, appeal, EEO, court).]



**CHAPTER 2. TITLE 5 [REDUCTIONS IN FORCE, TRANSFERS OF FUNCTION,  
FURLOUGHS,] AND TRANSITION ASSISTANCE****SECTION A. GENERAL****(TO BE USED WITH 5 CFR [, PART] 351 [AND U.S. OFFICE OF PERSONNEL  
MANAGEMENT RESTRUCTURING INFORMATION HANDBOOK])**

**1. SCOPE.** This chapter contains Department of Veterans Affairs (VA) policies and procedures for [RIF], transfers of function, furloughs and career transition assistance. They apply to [ ] competing title 5 employees[, to title 38 hybrid employees] appointed under 38 U.S.C. [ ] 7401[(3), to] title 38 [hybrid] employees appointed under 38 U.S.C. [7405(a)(1)(B) without a not-to-exceed date, and to temporary hybrid title 38 employees who are currently employed under a temporary appointment limited to 1 year or less, and who have completed 1 year of current continuous service under a temporary appointment with no break in service of 1 workday or more. These procedures do not apply to employees serving in the Senior Executive Service or appointed under 38 U.S.C. 7306, 7401(1), or 7405(a)(1)(A). T]his chapter[,] 5 CFR [part] 351, [and OPM's Restructuring Information Handbook] must be used together when planning and effecting covered actions. Prior to making a determination to initiate a [RIF] action, labor organizations should be [given the opportunity to participate in] pre-decision [discussions]. If a decision is made to initiate a [RIF], labor organizations will be notified before any affected bargaining unit employees are notified. Applicable master or local[ly] negotiated agreement provisions also must be used in administering actions affecting bargaining unit employees.

**2. FILLING VACANCIES****a. Reduction-in-Force Planning**

(1) Although management is not obligated to fill vacancies prior to or during a [RIF], to the extent possible, necessary and continuing vacancies will be used to provide placement opportunities for employees who will be adversely impacted by [a RIF]. When management chooses to offer vacancies using RIF procedures, qualifications may be waived in accordance with 5 CFR 351.703. [The Union will be given a written list of current vacancies prior to employees being informed of a reorganization.]

(2) After a reorganization is announced in writing and prior to a RIF, eligible employees may be allowed to volunteer to accept lower-graded positions. Employees taking such positions will be granted grade and pay retention if eligible. (See Pay Administration Directive and Handbook 5007 and 5 CFR[, part] 536[, ] for guidance on grade and pay retention eligibility.)

(3) Promotions or other placements into vacant positions prior to a RIF which have greater promotion potential than employees' current positions must be made under competitive merit promotion procedures.

**b. Offering Vacancies to Employees**

(1) During a [RIF], to the extent possible, vacancies may be used to satisfy employees' assignment rights in accordance with 5 CFR 351.201.

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(2) Employees without assignment rights who have received specific [RIF] separation notices may be offered vacant, lower-grade positions without regard to the three-grade level limit which applies to bump and retreat. These offers may be made so long as the position would not constitute a better RIF offer to other competing employees. Eligible employees who voluntarily accept lower-graded positions will be entitled to grade and pay retention benefits.

### **3. DELEGATIONS OF AUTHORITY**

a. The Secretary, or designee(s), will approve [RIF] act[RIF]ions involving positions centralized to the Secretary and all furloughs.

b. [Under Secretaries,] Assistant Secretaries, [Other Key Officials], or their designee(s), with the advice and assistance of the Office of Human Resources Management and Labor Relations, will approve all other actions within [VACO] elements under their jurisdiction, and within field facilities under the[ir] jurisdiction requiring [VACO] approval.

c. Field facility directors will approve all [RIF] actions within their respective jurisdictions unless the action involves a centralized position or separating an employee without an assignment offer.

### **4. REQUESTS TO TAKE ACTION**

a. **Reduction in Force.** Field facility directors will submit a request, through channels and the Office of Human Resources Management and Labor Relations [ ], to the appropriate official listed in VA Directive 5005 before proceeding with [RIFs] that involve a centralized position or separating an employee without an assignment offer. This authority may be redelegated by officials listed in paragraph 3 [ ]. The Under Secretary for Health has delegated [RIF] authority as specified in appendix IV-B. Information regarding submitting proposed RIFs is provided on the [OHRM&LR Web site](#). The request will include the following information.

- (1) The reasons(s), among those in 5 CFR 351.201(a)(2), for the action;
- (2) The titles, series, grades, and numbers of all involved positions;
- (3) If the [RIF] occurs in a research project, the name of the project and principal investigator.

b. **Transfer of Function.** Field facility directors will submit a request, through channels and the Office of Human Resources Management and Labor Relations [ ], to the appropriate official listed in VA Directive 5005 before they separate or include in a concurrent [RIF] employees who decline to transfer with their functions. The request will include the information in subparagraph 4a(2) [ ].

c. **Furlough.** [Under Secretaries,] Assistant Secretaries, [Other Key Officials,] and field facility directors will submit a request, through channels and the Office of Human Resources Management and Labor Relations [ ], to the Secretary before proceeding with a furlough, whether under adverse action or [RIF] procedures. The request will include a description of the temporary conditions warranting a furlough, the information in paragraph 4a [ ], the proposed length of the furlough, including the beginning

and ending dates, and any alternatives to furloughs that were considered. Requests for adverse action furloughs also will identify the method used to select employees for furlough.

d. **Voluntary Early Retirement Authority (VERA).** The Deputy Assistant Secretary for Human Resources Management and Labor Relations is authorized to request VERA from [OPM]. The request must meet the criteria and include the information required by OPM. [Under Secretaries], Assistant Secretaries, [and Other Key Officials] will submit conforming plans, through channels, to the Office of Human Resources Management and Labor Relations [ ]. Each facility authorized and utilizing VERA will establish and maintain a local VERA plan consistent with VA plans and OPM requirements.



**SECTION B. COMPETITIVE AREAS****1. STANDARD COMPETITIVE AREAS****a. Field Positions**

(1) Normally, each VA facility under separate managerial authority, e.g., medical center, independent outpatient clinic, regional office, cemetery, and data processing center and its satellite positions and activities within the commuting area, constitutes a competitive area.

(2) Satellite positions and activities outside the commuting area of their parent facilities, e.g., Veteran Representatives on campus, satellite outpatient clinics, "vet centers," also constitute separate competitive areas for each commuting area.

(3) When two or more installations in the same administration or staff office in a local commuting area have a single organizational unit which provides "common service" functions, such as Human Resources, finance, or supply, the servicing office is included in the competitive area of the installation that has administrative authority over the servicing office.

(4) A field element of an administration or staff office which is located at and serviced by a VA facility, but under separate managerial and appointing authority, constitutes a separate competitive area. [An e]xample [would be] Regional Counsel offices at regional offices and medical centers [ ].

(5) Positions in the field for which employment matters are centralized to [VACO], such as associate directors and division chiefs, are included in the competitive area of the local facility.

(6) Different funding sources alone is no basis for establishing separate competitive areas.

**b. Central Office Positions**

(1) The Office of the Secretary [ ] and each office of an [Under Secretary], Assistant Secretary, [or Other Key Official,] constitute separate competitive areas.

(2) [VACO] employees with a duty station outside of the Washington, DC, metropolitan area, such as information specialists in the Office of Public Affairs and resident engineers in the Office of Facilities, are in separate competitive areas for each administration or staff office and each commuting area. They are not included in the Washington, DC, competitive areas or in any other competitive areas in their commuting areas.

(3) Positions in the Office of Inspector General (OIG) may not be placed in the same competitive area as positions outside the OIG.

**2. AUTHORITY TO REDEFINE COMPETITIVE AREAS.** [Under Secretaries], Assistant Secretaries, [and Other Key Officials,] with the advice and assistance of the Office of Human Resources Management and Labor Relations [ ], may redefine competitive areas for organizations under their

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jurisdictions, provided such redefinition[ ]s are in accordance with 5 CFR [, part] 351, fully justified, and documented to ensure that such action is clearly in the best interest of VA. The Under Secretary for Health has delegated authority to redefine competitive areas as specified in appendix IV-C.



## SECTION C. COMPETITIVE LEVELS AND RETENTION STANDING

**1. ESTABLISHMENT OF COMPETITIVE LEVELS.** Human Resources Management Officers (HRMOs) are responsible for assigning competitive levels [ ].

[a. Within each competitive area, the HRMO, or designee, groups interchangeable positions into competitive levels. A competitive level includes positions with the same grade, series, qualification requirements, duties, and work schedule. Competitive and excepted service positions are placed on separate competitive levels. Separate competitive levels are also established for positions that are full-time, part-time, intermittent, seasonal, on-call, or filled as part of a formally designated trainee or developmental program. The competitive level is based on each employee's position description, or functional statement for those positions that do not have position descriptions, not on personal qualifications. Positions that are similar (for example, same grade, series, qualifications, and work schedule) but are not identical (for example, slightly different duties), may be placed in the same competitive level if the employee of one position could satisfactorily perform the critical tasks of the other position within 90 days.

b. Competitive service employees with time-limited appointments of 1 year or less and temporary excepted service employees who have served 1 year or less are not listed in a competitive level. These employees are terminated before any employee covered by OPM retention regulations is reached for a RIF action. Temporary excepted service employees who are employed under a temporary appointment limited to 1 year or less, but who have completed 1 year of current continuous service under a temporary appointment with no break in service of 1 workday or more, are placed in a competitive level.]

## 2. CREDIT FOR PERFORMANCE

a. [The annual summary performance ratings of record are the official ratings used for crediting performance during a RIF.] Guidance on processing annual performance ratings of record [ ] is contained in VA Directive and Handbook 5013, Performance Management Systems. [Additional guidance on the a]nnual performance rating crediting procedures to be used for retention service credit is] contained in 5 CFR 351.504 and [sub]paragraph[s 2b through 2g of this section].

b. [VA is required to treat all employees within a RIF competitive area in a uniform and consistent manner. Any competing employee receiving a Satisfactory or equivalent performance rating, such as Successful under a two-level performance plan will receive 12 years of additional service credit; any competing employee receiving an Excellent (or equivalent) rating will receive 16 years of additional service credit; and any employee receiving an Outstanding (or equivalent) rating will receive 20 years of additional service credit. The same service credit is granted regardless of the agency or organization that issued the rating].

c. [In crediting performance for RIF purposes, the "look-back" period of 4 years applies. The latest three ratings will be used to determine performance credit. These latest three ratings of record will be added together by the years of service credit assigned to these ratings and divided by 3 to determine additional service credit[, which will then be added to the employee's service computation date].

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d. [Under provisions of 5 CFR 351.504(c)(2), an employee who has received only one or two ratings during the 4-year period shall receive credit for performance on the basis of the ratings of record received divided by 1 or 2. For example, when only two ratings of record are available to be credited, these two ratings will be added together and divided by 2 (and rounded in the case of a fraction to the next higher whole number) to determine additional service credit. If there is only one rating of record available, use the value assigned to that rating for service crediting purposes].

e. [OPM has determined that an employee who has no rating of record during the 4-year period will receive the “modal” rating, i.e., the rating pattern most often received by VA employees. However, in most instances, every employee in the competitive area would have at least one rating of record during the last 4 years. If at least one rating exists, a “modal” rating will not be required].

f. [Some agencies and organizations within the Federal government are not covered by the performance appraisal provisions in the law and regulations. Employees who have received ratings from such Federal organizations will be granted additional retention service credit in a RIF only when it is determined that those performance ratings are equivalent ratings of record under the provisions of 5 CFR 430.201(c). The Human Resources Officer or the RIF Team Leader will make the final determination on applicability. If the performance evaluation qualifies as an equivalent rating of record, the employee will be granted the appropriate service credit for each applicable rating of record].

[ ]

g. [The cutoff date for performance ratings of record will be between 30 and 45 days prior to the date of the specific RIF notice. After the cutoff date, no new ratings will be put on record for RIF service credit purposes].

[ ]

**3. ORDER OF RELEASE FROM COMPETITIVE LEVELS.** No competing employee will be released from a competitive level while retaining in that level an employee with a specifically limited temporary appointment, a specifically limited temporary or term promotion, or a written decision of a performance-based removal or demotion from the competitive level. Once such employees have been released, competing employees will be released in inverse order of retention standing except as provided in this section, paragraphs 4 and 5 [of this section].

**4. TIES.** As permitted by 5 CFR 351.601(b), the operating official who would normally make the selection for the position being filled will determine, on the basis of qualifications for the specific position, which employee(s) will be retained when two or more employees on a retention register are tied. Employees who will not be retained will be notified in writing of the tie and the decision that they will not be retained.

**5. EXCEPTIONS TO RETENTION ORDER**

a. Holders of the Congressional Medal of Honor employed as Contact Representatives (Veterans Benefits Counselors) under authority of Executive Order 9628 are exempted from [RIF].



b. An employee who is being assigned to a position which will not be vacated until after the end of the 60-day notice period may be retained in his/her current position until the position becomes available but not to exceed 60 additional calendar days.

c. As permitted in 5 CFR 351.608, employees who have been reached for [a RIF] (separation) will be retained as a temporary exception to the retention order under the following conditions:

(1) An employee whose disability retirement has been approved by OPM will be separated when the person's earned sick leave is exhausted or on the date OPM approval is received, whichever is later.

(2) An employee who applies for disability retirement (or for whom VA has made such application) will be granted sick leave provided the responsible VA official agrees, on the basis of acceptable medical evidence, that the employee is incapacitated for duty in his/her present position. If OPM disapproves the request for disability retirement, the employee will be separated on the day VA is notified of the disapproval or on the scheduled effective date of the [RIF], whichever is later. If OPM has not approved or disapproved the application for disability retirement by the time the employee's earned sick leave has been exhausted, the employee will be separated at that time or on the scheduled effective date of the [RIF], whichever is later.

d. Field facility directors may approve temporary exceptions in the normal retention order for employees under their jurisdiction in other cases involving sickness, disability, or other issues covered by 5 CFR 351.608, such as near-term retirement eligibility. The Secretary, [Under Secretaries], Assistant Secretaries, [Other Key Officials], or their designee(s), may approve such exceptions for [VACO] employees and for employees located at field facilities who are not under the managerial authority of a field facility [D]irector.

e. These officials are also authorized to approve temporary exceptions in the normal retention order for 90 days or less to continue an activity without undue interruption as described in 5 CFR 351.203. "Undue interruption" does not mean mere inconvenience. Serious inconvenience and even severe interruption of the work program are often the unavoidable results of [a RIF]. A work program probably would not be unduly interrupted if an employee needed more than 90 days after the [RIF] to successfully perform the critical elements of a position. Lower priority programs might tolerate a longer interruption.

f. If an exception is approved in one case in a particular [RIF], it must be applied to all other employees reached for separation in that [RIF] who meet the same criteria.



**SECTION D. ASSIGNMENT RIGHTS**

**1. QUALIFICATIONS DETERMINATIONS.** Human Resources Management Officers determine whether employees are qualified for specific positions to which they can be assigned in [a RIF]. Qualification requirements may be waived to the extent permitted by 5 CFR 351.703, when filling a vacant position during a [RIF]. Such waivers are not permitted for [RIF] displacements.

**2. ADMINISTRATIVE ASSIGNMENTS.** The following administrative assignment rights are granted to affected VA employees consistent with 5 CFR 351.705:

a. **Other Competitive Areas.** Group III employees in other competitive areas in the local commuting area will be displaced to provide assignment opportunities for VA employees who (1) are in Group I or Group II; (2) have received a notice of impending [RIF] separation or who have declined an offer to transfer with their current competitive area; and (3) meet the qualification standards and are available for positions held by Group III employees at grade levels not higher than the grade levels held at the time of receipt of [RIF] notices.

b. **Attorneys.** Attorneys appointed under Schedule A, [5 CFR] 213.3102(d) who are reached for release from their competitive area [are entitled to other positions in the same competitive area] which are encumbered by Schedule A, [5 CFR] 213.3102(d) appointees whom they can displace by "bump" or "retreat" as defined by 5 CFR 351.701.

c. **Employees Appointed under 38 U.S.C. 7401(3) [and 7405(a)(1)(B)].** Employees appointed under 38 U.S.C. 7401(3) [and non-temporary employees appointed under 7405(a)(1)(B)] who are reached for release from their competitive levels are entitled to other positions in the same competitive area which are encumbered by [ ] 7401(3) appointees [and 7405(a)(1)(B) appointees, respectively,] whom they can displace by "bump" or "retreat."

d. **Veterans Canteen Service Employees.** Employees of the Veterans Canteen Service appointed under 38 U.S.C. 7802 who are reached for release from their competitive levels are entitled to other positions in the same competitive area which are encumbered by 38 U.S.C. 7802 appointees whom they can displace by "bump" or "retreat."



**SECTION E. EMPLOYEE NOTICES**

**1. GENERAL.** Employees will be given advance official information concerning decisions which may result in their being affected by [a RIF]. This information will be written and will include[:] the reasons for the required adjustments, such as lack of work or funds, reorganization, or a realignment of functions[;] the competitive area[;] where the employee may inspect the pertinent regulations[;] and [whom] to contact about assistance available for affected employees.

**2. SPECIFIC NOTICES.** Whether or not other notices are used, each affected employee must be given a specific notice of the proposed action. Notice periods and contents are described in [5] CFR[, ] part 351.



**SECTION F. FURLOUGHS**

- 1. GENERAL.** Furloughs are appropriate to address temporary conditions when it is intended to recall employees to duty. The determination as to which employees are furloughed will be based on an assessment of which assignments are critical to the continuing operation of the organization during the furlough. When feasible, furloughs will be spread out among employees in affected competitive levels to minimize the impact on each employee and the disruption of VA activities. All employees shall be accorded fair and equitable treatment consistent with this policy.
- 2. USE OF ADVERSE ACTION PROCEDURES.** Furloughs of 30 days (22 workdays) or less are adverse actions and should be processed in accordance with VA Directive and Handbook 5021, Employee Management Relations. The guidance in this chapter on requests for furlough authority, appropriate uses of furlough, and identification of employees for furloughs will apply to these actions.
- 3. USE OF RIF PROCEDURES.** [RIF] procedures must be followed to furlough an employee for more than 30 consecutive days (or more than 22 workdays if done on a discontinuous basis).
- 4. WRITTEN NOTICE TO EMPLOYEES.** Ordinarily, employees will be given 30 or 60 calendar days advance written notice of a furlough depending on the length of furlough (whether the furlough is an adverse action or a RIF-based action). However, employees may be furloughed during emergencies without the usual advance notice and opportunity to reply. Emergency situations are restricted to very narrow circumstances such as furloughs to avoid violating the Anti-deficiency Act, which prohibits using funds when appropriations have not been enacted. The written notice shall advise the employee of:
  - a. The reason(s) for the furlough;
  - b. The effective date(s) and expected duration of the furlough;
  - c. The process used - either adverse action or RIF (see requirements for RIF notices as well);]
  - d. If applicable, the circumstances which warrant waiver of the notice period;
  - e. When only some of the employees in an organizational unit are to be furloughed, the basis for identifying the employees to be furloughed;
  - f. The place where the employee may inspect the applicable regulations and records;
  - g. The employee's right to reply in writing and time allowed for reply;
  - h. The employee's right to grieve or appeal, as appropriate; and
  - i. Any effects of the furlough on the employee's entitlement to retirement, life and health insurance, and other benefits.

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**5. EMPLOYEE PREFERENCES.** For furloughs of 30 days or less, management will consider employee preferences, e.g., to work a shorter prorated week or to be furloughed for a certain number of consecutive days, in scheduling the furlough.

**6. FURLOUGH DURATION LIMITATIONS.** Competing employees may not be furloughed for more than [1] year. If employees must be released for more than [1] year, [RIF] procedures must be used.

**SECTION G. TRANSFER[S] OF FUNCTION**

**1. GENERAL.** A transfer of function occurs when the function wholly leaves one competitive area and moves to another competitive area that does not already perform that same function. When the number of employees who are willing to transfer and who are in a competitive level within a transferring function exceeds the needs of the gaining competitive area and [RIF] procedures are used to relieve the surplus, these procedures will normally be applied at the gaining location. Any use of [RIF] procedures in the losing competitive area (except for actions unrelated to the transfer of function) will require the prior authorization of the appropriate [Under Secretaries], Assistant Secretaries, [and/or Other Key Officials].

**NOTE:** *For a more complete explanation of procedures and employee rights in transfer of function, see 5 CFR[, part] 351, subpart C, and OPM Restructuring Information Handbook, Module 4.*

**2. PROCEDURES**

a. For planning purposes, employees occupying positions in a transferring function will be asked in writing if they are interested in transferring, and will be given [one (1) full pay period] to respond.

b. If a [RIF] is necessary at the gaining facility as a result of the transfer of function, employees occupying positions in the transferring function will be considered to be employees of the receiving organization and will be placed in appropriate consolidated competitive levels. They will not be physically moved to the new commuting area until a specific assignment is determined.

c. [A]ppropriate notices will be issued by the losing facility and will include information on specific assignments, pay and grade retention, and payment for travel and transportation costs. If there is a [RIF] involved in the transfer of function, the gaining facility will issue the notices. Separation actions that may result will be processed by the losing facility.

d. Career or career-conditional employees who are separated are eligible for placement assistance under the programs described in 5 CFR[, part] 330[,] and this handbook. Also, those meeting the requirements will be entered on the reemployment priority lists in the commuting area of the office that issued the notice resulting in the separation.



## SECTION H. APPEALS AND GRIEVANCES

**1. NOTIFICATION TO EMPLOYEES.** Affected employees will be advised in writing of their grievance and appeal rights at the time specific actions are communicated, consistent with regulatory requirements.

**2. PETITIONS FOR REVIEW BY THE MERIT SYSTEMS PROTECTION BOARD.** An employee, the Department, or the Director of OPM may file a petition for review of a[n] MSPB Regional Office decision with the MSPB. Department petitions for review will be coordinated [through the Office of General Counsel] and submitted by the Deputy Assistant Secretary for Human Resources Management and Labor Relations [ ]. Field facilities will expedite transmission of MSPB Regional Office decisions to [OHRM&LR] to assure that Department petitions, if appropriate, are submitted on a timely basis.



**SECTION I. PLACEMENT ASSISTANCE AND CAREER TRANSITION**

**1. EMPLOYMENT RESTRICTIONS.** The Federal government has established a regulatory framework in 5 CFR part 330, subparts G and H, regarding both placement assistance and reemployment consideration of employees subject to RIFs and related activities. This section addresses Federal and VA policies on placement assistance and career transition.

a. [Under Secretaries], Assistant Secretaries, [and Other Key Officials] will determine, with the advice and assistance of the Deputy Assistant Secretary for Human Resources Management and Labor Relations, whether additional employment restrictions beyond those described herein should be imposed on other facilities or areas to provide placement opportunities for employees likely to be affected adversely by [a RIF], transfer of function, or other reorganizations. If it is determined that employment restrictions across organizational lines are needed to provide sufficient placement assistance opportunities, the [Under Secretaries], Assistant Secretaries, [or Other Key Officials] of the potentially affected facility or organization[,] or the Secretary[,] will approve the extension of employment restrictions.

b. Efforts should be made to identify the specific grades and series of positions for which affected employees qualify, and to apply employment restrictions only to those specific vacancies.

**2. OPERATIONAL REQUIREMENTS FOR CAREER TRANSITION ASSISTANCE**

a. The **facility Director** shall:

(1) Establish and implement local **Career Transition Assistance Plans (CTAP)**, in partnership with local labor organizations, and;

(2) Ensure that their affected employees receive required and other appropriate and timely notification of the availability of local career transition assistance. ([S]ee this directive and handbook, as well as 5 CFR, parts 330 and 351[.]);[ ]

b. The **Human Resources Management Officer** shall:

(1) Ensure that all displaced and surplus employees in the local commuting area have the opportunity to apply for vacancies lasting 121 days or more;

(2) Where there is more than one [ ]HRMO[ ] in the local commuting area, these HRMOs will establish local procedures for exchange of pertinent information, including the existence of any VA displaced and surplus employees;

(3) Determine, in consultation with subject matter experts as appropriate, whether displaced and surplus applicants/employees are "well-qualified" for vacancies to which they have applied, and provide documented "qualification reviews" to [such] persons wh[o are] otherwise "eligible" [but have been] determined to be "not well-qualified"[.];[ ]

(4) Ensure that eligible "well-qualified" VA displaced and surplus applicants/employees receive appropriate special selection priority when they are referred to selecting officials;

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- (5) Operate the Reemployment Priority List (RPL) for eligible separated VA employees;
- (6) Maintain records of VA CTAP and Interagency Career Transition Assistance Plan (ICTAP) activities [ ]; and
- (7) Ensure that each impacted employee receives [information on career transition].

**3. DEFINITIONS FOR CTAP**

- a. **Agency.** An Executive department, a Government corporation, and an [i]ndependent establishment as cited in 5 U.S.C.[, s]ections [ ] 101, 103 and 104.
- b. **Bargaining Unit.** A group of employees recognized by the employer and designated by the Federal Labor Relations Authority as appropriate to be represented by a labor organization for purposes of collective bargaining.
- c. **Certification of Expected Separation (CES).** A memorandum which identifies an employee as being in an excess organization or occupation and therefore subject to possible separation. An employee in receipt of such a memorandum is considered a surplus employee. A CES would most appropriately be used in cases when entire units are expected to be abolished and can be issued up to 6 months prior to separation. This makes such employees eligible for the full range of VA CTAP services and assistance under this directive and handbook.
- d. **Displaced Employee**
  - (1) **Under CTAP.** A current agency employee [ ] who has received a [ ]RIF[ ] separation notice [or notice of proposed removal for declining a directed reassignment or transfer of function outside of the local commuting area, if serving *either* on an appointment in the competitive service in tenure group I or II, *or* on an appointment in the excepted service without time limit and who has been given statutory noncompetitive appointment eligibility and selection priority for competitive service positions].
  - (2) **Under the [ ]ICTAP[ ]**
    - (a) A current or former career or career-conditional competitive service employee, in tenure group I or II who has received a specific RIF separation notice;
    - (b) A former career or career-conditional employee who was separated because of a compensable injury, as provided under the provisions of subchapter I of chapter 81 of title 5, U.S. Code, whose compensation has been terminated and whose former agency is unable to place the individual as required by 5 CFR, part 353;
    - (c) A former career or career-conditional competitive service employee, in tenure group I or II, who retired with a disability under sections 8337 or 8451 of title 5, U.S. Code, whose disability annuity has been or is being terminated;

(d) A former career or career-conditional competitive service employee in tenure group I or II, in receipt of a RIF separation notice who retired on the effective date of the [RIF] or under the discontinued service retirement option;

(e) A former career or career-conditional competitive service employee, in tenure group I or II, who [was] separated because he/she declined a transfer of function or directed reassignment to another commuting area; [ ]

(f) A former Military Reserve Technician or National Guard Technician who is receiving a special disability retirement annuity from OPM under section 8337(h) or 8456 of title 5, U.S. Code, as described in 5 CFR, part 330, subpart H[;

(g) A current agency employee who is in receipt of a RIF separation notice or notice of proposed removal for declining a transfer of function or directed reassignment outside of the local commuting area, if serving on an appointment in the excepted service without time limit and has been given statutory noncompetitive appointment eligibility and selection priority for competitive service positions; and

(h) A former agency employee who has been separated through RIF or removed for declining a transfer of function or directed reassignment outside of the local commuting area, who served on an appointment in the excepted service without time limit and has been given statutory noncompetitive appointment eligibility and selection priority for competitive service positions.]

e. **Eligible Employee.** To be eligible for special selection priority under these procedures, an individual must meet all of the following conditions:

(1) Is a surplus or displaced employee as defined in 5 CFR 330.604(c) [or (i),] or 5 CFR 330.703(b);

(2) Has a current performance rating of record of at least fully successful or equivalent;

(3) Applies for a vacancy that is at or below the grade level from which the employee may [be] or is being separated, that does not have a greater promotion potential than the position from which the employee may [be] or is being separated;

(4) Occupies a position in the same local commuting area of the vacancy;

(5) Files an application for a specific vacancy within the established timeframe [and provides proof of eligibility as required under 5 CFR 330.608(a)(2) or 330.708(a)(2)];

(6) Is determined by the agency to be well-qualified for the specific vacancy.

f. **Facility.** A single medical center, regional office, automation center, other [D]epartment field establishment under the direction of local management officials or [VACO]. The facility includes any operation (e.g., a satellite) or complex of organizations that is under the control of the same facility [D]irector.



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g. [ ]ICTAP[ ]. The [OPM] program which provides special selection priority to other displaced Federal employees when filling vacancies from outside of VA.

h. **Labor Union.** An organization composed, in whole or in part, of employees in which these employees participate and pay dues, and which has as a purpose the dealing with an agency concerning grievances and conditions of employment.

i. **Local Commuting Area.** The geographic area that usually constitutes one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities in which people live and can reasonably be expected to travel back and forth daily to their usual employment.

j. **Qualification Review.** The documented analysis by the responsible [HRMO] of the rationale for a determination of "not well-qualified" for an otherwise eligible applicant.

k. **Selecting Official.** That individual with the authority to choose from among candidates for a vacancy.

l. **Special Selection Priority.** The precedence over any other candidates that eligible employees have for being chosen for vacancies for which they apply. **Exception** - No VA CTAP special selection priority can be made which would cause another VA employee to be separated by [RIF]. See Appendix IV-A of this handbook for those staffing actions not covered by the VA [CTAP].

m. [Suitability. Determinations based on an individual's character or conduct that may impact the efficiency of the service by jeopardizing an agency's accomplishments of its duties or responsibilities, or by interfering with or preventing effective service in the competitive, excepted, or SES position applied for or employed in, and determinations that there is a statutory or regulatory bar to employment.]

n. [Surplus Employee. A current employee serving under an appointment in the competitive service as well as excepted employees in schedules A and B, in tenure group I or II, who has received a [CES] or other certification issued by the agency which identifies the employee as being in an excess organization or occupation].

o. [Vacancy. A competitive service position lasting 121 days or more including extensions, which is being filled, regardless of whether a specific vacancy announcement is issued].

p. [Vacancy Announcement. The notice of a vacancy which ensures that eligible displaced and surplus employees in the local commuting area have the opportunity to apply and which conveys what is required to be determined as "well-qualified."]

[q]. **Well-Qualified Employee.** An eligible applicant who:

(1) Meets the qualification standard and eligibility requirements for the position, including any medical qualifications[, suitability,] and minimum educational and experience requirements;



(2) Meets all selective factors, where applicable, and appropriate quality ranking factor levels. Selective and quality ranking factors cannot be so restrictive that they run counter to the goal of placing displaced employees. In the absence of selective and quality ranking factors, [HRMOs], with appropriate consultation, will document the job-related reason(s) the eligible employee is or is not considered to be well-qualified;

(3) Is physically qualified, with reasonable accommodation where necessary, to perform the essential duties of the position;

(4) Meets any special qualifying condition(s) that OPM has approved for the position, and;

(5) Is able to satisfactorily perform the duties of the vacancy upon entry.

[**Note:** The qualification level required for placement under CTAP and ICTAP, well-qualified, is greater than the qualification level required for placement under reduction in force procedures, minimally qualified.]

**4. CAREER TRANSITION ASSISTANCE SERVICES.** [These services are] to be provided to VA employees who either have been or are likely to be separated from Federal service due to downsizing. The goal of such services is to assist VA employees in taking charge of their own careers by providing them with the support they need to find other job opportunities, either with government or in the private sector. In VA, under these procedures, transition assistance services will be available to impacted permanent [title 5] competitive and excepted service employees as well as similarly tenured title 38 hybrid employees[.] ([S]ee chapter 3 for title 38 employees[.])[ ] Special selection priority, when filling competitive service vacancies, will be available to displaced and surplus competitive service employees. A key feature of the CTAP is that employees must exercise individual initiative in pursuing other employment, both within and outside of the Federal government. Therefore, managers and supervisors, in their administration of the VA CTAP[,], should be sensitive to the needs of impacted employees and should approve requests for reasonable excused absence to use career transition services.

**5. SPECIFIC VA CAREER TRANSITION [ASSISTANCE] SERVICES.** Such services will be offered by facilities to all permanent competitive and non-time limited excepted service and Senior Executive Service employees affected by downsizing. These resources will assist employees in pursuing employment both within or outside the Federal [g]overnment and in managing the change process.

a. **Required Services.** The following must be offered to impacted employees:

(1) Resume writing;

(2) Interviewing skills/techniques;

(3) Training in preparing applications that address vacancy announcement rating factors;

(4) Skills assessment/counseling;

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- (5) Retirement counseling/training;
- (6) Employee benefits counseling/training;
- (7) Financial planning/training;
- (8) Job search skills;
- (9) Stress management;
- (10) Basic library of job search materials;
- (11) Access to the[OPM]'s USAJOBS;
- (12) Training in the use of career transition services for employees, managers, supervisors and union representatives; and
- (13) Basic computer training beyond that needed to facilitate use of transition services.

**b. Other Requirements**

- (1) Employees will be allowed reasonable excused absence to use transition services and facilities.
- (2) Separated employees will be allowed reasonable access and time to use transition services and facilities.
- (3) Access to services will be provided to employees in field offices and remote sites and those with disabilities.
- (4) Facilities will make full use of Employee Assistance Programs.
- (5) Facilities will provide employees with resource information on other forms of Federal, state, and local assistance which are available to support career transition for employees with disabilities.

**c. Highly Desirable Services.** In addition to services which must be offered to affected employees are services which, although not required, may be highly desirable in some instances.

- (1) "Survivor training[.]" and/or counseling, for those who will remain in the new organization to help them adjust to changes brought about by downsizing;
- (2) Team building;
- (3) Counseling for families of impacted employees;
- (4) Training in the new organizational structure, and;

(5) Job retraining where time and resources permit. This is appropriate in restructuring reductions where numbers in some occupations will be increasing.

d. **Methods of Providing Services.** Career transition assistance services may be delivered in a variety of ways. Facilities may, for example, wish to pool resources for particular services. Facilities should contact organizations, both government and private sector, to learn what techniques and options are effective in the local area.

## 6. SPECIAL SELECTION PRIORITY FOR VA EMPLOYEES

a. Special selection priority means that an eligible "well-qualified" applicant (one who applies and meets criteria under the [VA CTAP]) must be selected. Since [VA] displaced and surplus employees must apply for specific vacancies, it is therefore necessary that vacancy announcements be distributed so that they have an opportunity to apply. The VA [CTAP] is designed to maximize employment opportunities for displaced and surplus VA employees who, through no fault of their own, are adversely affected by VA restructuring and downsizing.

b. Surplus and displaced VA employees who apply for VA vacancies in their local commuting area at their current grade or a lower grade with no higher promotion potential than their current grade, and who are determined to be well-qualified for such position, must be selected. These employees are the first selection priority for VA vacancies. (See Order of Selection and Consideration in appendix IV-A.)

(1) **Announcement of Vacancies.** The Plan depends on the announcement of vacancies in order that VA CTAP eligibles have the opportunity to apply. Vacancy announcements should be forwarded for appropriate distribution by HRMOs at other VA facilities in the local commuting area. In those instances where vacancies are not announced, e.g., in anticipation of a reassignment within the facility, if well-qualified eligibles apply in a timely manner[,] they must receive special selection priority. [(]See appendix IV-A.[)]

(2) **Determining Well-Qualified.** The responsible [HRMO], in consultation with subject matter experts, as required, will approve the determination of "well-qualified" for each eligible applicant under this program, using the criteria defined in paragraph 3. This official will also notify eligibles of a determination of "not well-qualified," and maintain documentation of the basis for this determination.

(3) **Notification Procedures.** Employees will receive notification of their eligibility for special selection priority under this program with their specific notice of RIF separation, or in their [ ]CES[ ] or other certification issued by the agency which identifies the employee as being in an excess organization or occupation.

## 7. REEMPLOYMENT PRIORITY CONSIDERATION FOR SEPARATED VA EMPLOYEES.

VA employees who receive a specific RIF notice of separation will be notified that they may register for the [ ]RPL[ ]. Registrants receive reemployment priority consideration for positions in the local commuting area at the same grade or lower than the position held at the time of separation. Registrants do not have to re-apply for specific vacancies as in the case with current surplus and displaced employees. Neither must they meet the test of "well-qualified." Where there is more than one [HRM] office in the commuting area, the [HRMOs] will establish local procedures for exchange of information

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and the maintenance of a consolidated RPL. All facilities in the commuting area are, consistent with 5 CFR, part 330, responsible for assuring RPL registrants receive reemployment priority consideration for all appropriate vacancies. If the selecting official tentatively nonselects appropriately referred RPL registrants, that official must obtain approval of the next higher level supervisor before considering candidates from outside the facility. Registrants who were formerly career-conditional tenured have [1] year of eligibility under the RPL program[;] those who were formerly career tenured have [2] years of eligibility.

**8. SPECIAL SELECTION PRIORITY FOR DISPLACED CURRENT OR FORMER EMPLOYEES FROM OTHER FEDERAL AGENCIES.** Displaced current or former employees from other Federal agencies are entitled to have special selection priority under the [ ]ICTAP[ ] when they apply through the OPM USAJOBS for VA vacancies at their current or former grade level or with no higher potential, and is within the local commuting area. VA facilities must place vacancies lasting 121 days or more on the OPM USAJOBS whenever they decide to recruit outside VA. These employees or former employees who are determined to be well-qualified must be selected prior to the selection of reinstatement eligibles, transfer eligibles, from a civil service [certificate] of eligibles or from other competitive sources. Such employees or former employees have eligibility for [1] year following separation under reduction-in-force procedures. They will be informed of the procedures of ICTAP and their eligibility for it when they receive their specific notices of separation.

[ ]

**[9]. LABOR RELATIONS RESPONSIBILITY.** Career transition procedures have been developed in partnership with VA unions. These policies and procedures are not intended to affect existing collective bargaining agreements until such time as they are up for renegotiation. The parties to such agreements, however, are free to negotiate those provisions that may be affected. Local management shall meet its labor-management obligations at the local level prior to implementation of local[CTAPs].

**[10]. EMPLOYEE RELATIONS RESPONSIBILITIES AND RIGHTS.** Employees must exercise individual initiative in pursuing other employment both within or outside the Federal government. In order to exercise special selection priority, eligible individuals must apply for specific vacancies in which they are interested with proof of their eligibility. A determination of "not well-qualified" is subject to a qualification review by the responsible [HRMO]. Further dispute regarding such determination may be considered under appropriate procedures.

## CHAPTER 3. TITLE 38 ASSIGNMENTS, STAFF ADJUSTMENTS, AND FURLOUGHS

### SECTION A. GENERAL

**1. SCOPE.** Except as provided in subparagraph [1]c [ ], this [chapter] establishes procedures on:

a. Assignments, reassignments, staff adjustments, and furloughs of employees appointed under title 38, [ ]U.S.C.[ ] 7306, 7401(1), 7405, and 7406; and

b. Assignments of hybrid title 38 employees appointed under 38 U.S.C. 7401(3).

c. This [chapter] does not apply to:

(1) Transfers for performance or conduct under 38 U.S.C. 7461[.] ([S]ee VA Directive and Handbook 5021[.])[ ]

(2) Separation of employees who fail to accept a properly directed transfer or reassignment based on disciplinary or performance reasons[.] ([S]ee VA Directive and Handbook 5021[.])[ ]

(3) Furlough and [RIF] (including incident reassignments) of [hybrid] employees appointed under 38 U.S.C. 7401(3) [and 7405(a)(1)(B)]. (See chapter 2, this part.)

(4) Intermittent and fee basis employees appointed under 38 U.S.C. 7405.

(5) [F]ull- and part-time employees appointed under 38 U.S.C. 7405[(a)(1)(A) and 7406 if excluded by the facility Director].

### 2. REFERENCES

a. ["PAID Personnel Operating Instructions," VA Manual MP-6, Part V, Supplement 1.5].

b. [Title 38 U.S.C., Chapters 73 and 74].

c. [VA Directive 5005].

[ ]

### 3. DEFINITIONS

a. **Assignment.** An assignment is a specified set of duties and responsibilities.

b. **Detail.** A detail is the temporary assignment of an employee to a different set of duties for a specified period of time. There is no formal position change; officially, employees continue to hold the position from which they were detailed and keep the same status and pay.

c. **Employee.** Unless otherwise specified, the term refers to employees covered by this handbook.

d. **Furlough.** Placement of an employee in a temporary status without duties or pay because of a lack of work, funds, or other nondisciplinary reasons. Furloughs may be consecutive or non[-]consecutive days.

e. **Reassignment.** Reassignment is the temporary or permanent change:

(1) From one assignment to another under the same facility management involving an official personnel action (the reassignment need not be in the same commuting area); or

(2) From one assignment to another for reasons other than performance or conduct and involving different facilities.

f. **Staff Adjustment.** A staff adjustment is a formal procedure used to modify organizations through changes in staff patterns or levels.

g. **Transfer.** The movement of an employee from one facility to another for performance or conduct reasons pursuant to 38 U.S.C. 7461.

#### 4. POLICY

a. The authorities covered by this handbook are management tools which are to be used to assist in the provision of quality health care services in a cost efficient manner.

b. Efforts will be made to mitigate the adverse effects of authorities covered by this handbook. However, primary consideration will be given to the efficient and effective accomplishment of the VA mission.

c. Approving officials will make maximum use of an employee['s] skills and capabilities; provide employees with opportunities for growth and development; and consider any personal problems of affected employees.

d. Employees will only be assigned duties and responsibilities for which they have appropriate credentials and there is a reasonable expectation that they will be able to perform satisfactorily.

e. Reassignments or changes of assignments requested by employees for their own convenience will normally be given favorable consideration when consistent with the needs of VHA.

f. Local policies and procedures related to this handbook shall not be developed or implemented without predecisional involvement of Labor-Management Partnerships.

g. Management officials are responsible for meeting the requirements of subparagraph f [ ] and their labor relations obligations related to this handbook. This includes, but is not limited to, planning

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and implementing staff adjustments and furloughs, reduction of the advance notice period for staff adjustments, as well as the numbers and types of employees to be affected.

[ ]



**SECTION B. ASSIGNMENTS, REASSIGNMENTS AND DETAILS**

**1. CHANGES OF ASSIGNMENTS OTHER THAN REASSIGNMENTS.** Bargaining unit employees dissatisfied with changes in assignments may grieve the assignment under the negotiated grievance procedure. Other employees may grieve using the following procedures:

- a. The employee may discuss the dissatisfaction with the official who approved the change.
- b. If the employee feels that the explanation given is not satisfactory, the employee may discuss the change of duty assignment with the next level supervisor, or their designee.
- c. After giving full consideration to the employee's reasons for dissatisfaction, the second level supervisor will advise the employee of the final decision.

[**Note:** Bargaining unit and non-bargaining unit employees may not grieve changes in assignments under the agency grievance procedure. See VA Handbook 5021, Part IV, Chapter 3, Paragraph 16x which excludes from coverage “all matters for which review procedures are already established in VA policy.”]

**2. REASSIGNMENTS**

a. **Approval.** Officials are authorized to effect the reassignment of employees in positions over which they have personnel management approval authority. Reassignments are to be processed in accordance with VA Manual MP-6, Part V, Supplement No. 1.5.

**b. Reassignments for Reasons Other than Staff Adjustments**

(1) **Reassignments [W]ithin a Facility (and the [S]ame [C]ommuting [A]rea).** Employees dissatisfied with reassignments within a facility (and the same commuting area), may express their dissatisfaction using the procedures in paragraph 1 above. If multiple labor agreements are involved, employees are to grieve under the procedures covering the position from which the employee is being reassigned.

(2) **Involuntary Reassignments Outside the Commuting Area or to Another VA Facility.** Employees shall be given a minimum of 30 days advance written notice. The notice should include:

- (a) The reason for the reassignment.
- (b) Information about the specific assignment, location and proposed effective date.
- (c) A statement that employees may express their dissatisfaction through their negotiated grievance procedures or the grievance procedures in VA Directive and Handbook 5021.

**NOTE:** *If a grievance is filed, the approving official may delay the reassignment until the grievance is resolved.*

(d) Notice that employees have an opportunity to accept or decline the reassignment. This includes advising employees when and where their decision is to be submitted.

(e) Notice that a declination or failure to make an election may result in separation.

(3) **Declination of Reassignment or Failure to Make Election.** Separations for declination of reassignment or failure to make an election will be effected in accordance with the notice procedures in VA Directive and Handbook 5021.

**NOTE:** *The specific advance notice in this chapter meets the 30 day notice requirement in VA Directive and Handbook 5021. Employees are not entitled to another 30 days notice prior to separation.*

c. **Reassignments Based on Staff Adjustments.** See section C, paragraph 4a, this chapter.

### 3. DETAILS

a. Details will be limited to the shortest amount of time possible.

b. Employees may be detailed to other assignments at their facility and to other VA facilities.

c. If a temporary reassignment rather than detail could benefit an employee (e.g., recomputation of basic or special pay), consideration should be given to temporarily reassigning an employee to the position.

**NOTE:** *For instructions concerning interagency details and interagency loans and for temporary assignments under the Intergovernmental Personnel Act of 1970, see part III of this handbook.*

d. Any detail in excess of 30 days will be documented in accordance with the provisions of OPM's Processing Personnel Actions Handbook and MP-6, Part V, Supplement 1.5, subparagraph 300.08.

e. Employees dissatisfied with a detail may express their dissatisfaction using the procedures outlined in paragraph 1 of this section.



**4. SPECIFIC ADVANCE NOTICE.** Employees are entitled to a minimum of 30 days advance notice if they are to be reassigned to another facility, reassigned to another commuting area, or separated as a result of a staff adjustment. These actions may not, however, be effected less than 60 days after the date of the general advance notice unless an exception is approved under paragraph 5 below.

**NOTE:** *Actions other than separation or reassignment to other facilities or commuting areas (e.g., internal reassignments, voluntary changes from full- to part-time or changes in assignments) may be taken without Specific Advance Notice to affected employees.*

a. **Reassignments [t]o Another Facility or Commuting Area.** The notice should include:

(1) The reason(s) for the reassignment.

(2) Information about the new assignment, its location, and the effective date.

(3) A statement that employees covered by negotiated grievance procedures may express their dissatisfaction through those procedures. Other employees may grieve using the procedures in VA Directive and Handbook 5021.

**NOTE:** *If a grievance is filed, approving officials may delay the reassignment until the grievance is resolved.*

(4) An opportunity to accept or decline the reassignment.

(5) Notice that the employee may be separated in accordance with the provisions of VA Directive and Handbook 5021 for failure to accept the reassignment.

**NOTE:** *The specific advance notice in this handbook meets the 30 day notice requirement in VA Handbook 5021. Employees are not entitled to another 30 days notice prior to separation if they fail to accept the reassignment.*

b. **Separations.** The notice should include:

(1) The reasons for the staff adjustment.

(2) Notification that the employee has been determined to be in excess of local needs.

(3) Notice that an assignment is not available and the employee will be separated not less than 60 days from the date of the advance general notice (unless an exception has been approved under paragraph 5 below).

(4) Information regarding outplacement activities.

(5) Notice that the separation may be canceled if an assignment becomes available prior to the effective date of separation.

## SECTION D. TITLE 38 FURLOUGHS

**1. FURLOUGHS OF 30 DAYS OR LESS.** Employees may be furloughed for 30 calendar days or less based on an assessment of which assignments will be most critical to the continuing operations of the organization during the period of furlough.

**2. FURLOUGHS OF MORE THAN 30 DAYS.** Employees shall be identified for furloughs for more than 30 calendar days in accordance with the procedures for identifying employees for staff adjustment. (See [chapter 2,] section F, paragraph 3[, Part IV.]])

### 3. LENGTH OF NOTICE PERIOD

a. Whenever possible, employees will be given 30 calendar days advance written notice.

b. This notice period may be shortened or waived only in the event of circumstances not controllable by Department officials, such as sudden emergencies requiring immediate curtailment of activities.

**4. CONTENTS OF NOTICE.** The written notice shall advise the employee of:

a. The reason(s) for the furlough.

b. The effective date(s) and expected duration of the furlough.

c. The basis for identifying the employees to be furloughed when only some of the employees in an organizational unit are to be furloughed.

d. The circumstances which warrant waiver of the 30 day notice requirement, if applicable.

e. The place where the employee may inspect the applicable regulations and records.

f. The employee's right to appeal[.] ([S]ee paragraph 5[.]) [ ]

g. Any effects of the furlough on the employee's entitlement to retirement, life and health insurance, or any other benefits.

### 5. APPEALS

a. **Furlough Approved by the Under Secretary for Health.** Bargaining unit employees whose furloughs are approved by the Under Secretary for Health may express their dissatisfaction through applicable negotiated grievance procedures. Employees not represented by a union may express their dissatisfaction using the procedures for similar employees in section C, paragraph 4[, ] of this chapter.

b. **Other Furloughs.** Employees covered by negotiated grievance procedures may express their dissatisfaction through those procedures. Other employees may express their dissatisfaction through the following procedures:



**APPENDIX A.**  
**TITLE 5 SELECTION REQUIREMENTS IMPOSED BY THE**  
**REEMPLOYMENT PRIORITY LIST, VA CAREER TRANSITION ASSISTANCE PLAN,**  
**AND INTERAGENCY CAREER TRANSITION ASSISTANCE PLAN**

**1. ORDER OF SELECTION AND CONSIDERATION.** The following is to be used when filling a competitive service vacancy under the VA [ ]CTAP[ ], the [ ]RPL[ ], 5 CFR[, part] 330, subpart B, and the [ICTAP], 5 CFR[, part] 330, subpart G.

- a. Selection of a displaced or surplus VA employee in the local commuting area, who applies within the prescribed timeframe for a vacancy at the same or lower grade with the same promotion potential and is determined to be well-qualified, then;
- b. Consideration of a qualified employee from within the facility under the Priority Placement Program [(PPP)] For Employees in Retained Grade or Pay Status [ ] (see appendix III-F of this handbook) and any facility-wide special placement programs, then;
- c. Consideration of qualified RPL registrants in the local commuting area, then;
- d. Selection of any qualified current VA employee from within or outside of the facility, then;
- e. Selection of a current or former well-qualified displaced Federal employee from another agency in the local commuting area who applies within the prescribed timeframe under the ICTAP, then;
- f. Selection of any other candidate from outside of the agency, including selection from a Federal certificate of eligibles, a reinstatement eligible, a transfer from another agency, a noncompetitive appointment, such as under the Outstanding Scholar Provision of the Luevano Consent Decree, or any other routine competitive staffing action.

**2. SELECTION ACTIONS OF VA EMPLOYEES NOT RESTRICTED BY 5 CFR, PART 330, SUBPART F**

- a. Placement of an agency employee through reassignment, change to lower grade, or promotion when no employees eligible under this subpart apply;
- b. Reemployment of a former agency employee exercising regulatory or statutory reemployment rights;
- c. Position changes resulting from reclassification actions or for disciplinary reasons;
- d. Temporary appointments of under 121 days (including extensions);
- e. Exchange of positions between or among agency employees, when the actions involve no increase in grade or promotion potential;

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APPENDIX A**

- f. Conversion of an employee on an excepted appointment which confers eligibility for noncompetitive conversion into the competitive service;
- g. Placement activities under 5 CFR, part 351;
- h. Placement of an employee into a new position as a result of a reorganization, when the former position ceases to exist, and no actual vacancy results;
- i. Placements made under the Intergovernmental Personnel Act (IPA) as provided in 5 CFR, part 334[,] where they are for critical situations [and] where the failure to make the assignment would substantially harm Federal interests, such as providing training for State takeover of a Federal program;
- j. The filling of a position through an excepted appointment;
- k. Details;
- l. Time-limited promotions of under 90 days;
- m. Noncompetitive movement of surplus of displaced employees;
- n. Movement of excepted service employees within an agency;
- o. A placement under 5 U.S.C. 8337 or 8451 to allow continued employment of an employee who has become unable to provide useful and efficient service in his or her current position because of a medical condition;
- p. A placement that is a "reasonable offer" as defined in 5 U.S.C. 8336(d) and 8414(b);
- q. Career-ladder promotions; and
- r. Recall of seasonal employees from nonpay status.

**3. SELECTION ACTIONS OF NON-VA APPLICANTS NOT RESTRICTED BY 5 CFR,  
PART 330, SUBPART G**

- a. Selections from VA's CTAP or RPL as described in 5 CFR, part 330, subparts F and B[,] or any other internal movement of current VA employees;
- b. Appointments of 30 [percent] or more compensably disabled veterans;
- c. Reemployment of former VA employees who have regulatory or statutory reemployment rights;
- d. Temporary appointments of under 90 days;
- e. An action taken under 5 CFR, part 351;

**APPENDIX B.**  
**VHA [RIF] DELEGATION OF AUTHORITY (RCN 10-96-1)**

**1. BACKGROUND.** [VHA] is committed to maintaining a stable workforce through such measures as forecasting workload accurately, estimating turnover and attrition rates, and analyzing local labor markets. It remains VHA's goal to manage the size and composition of its workforce pro-actively, utilizing [reduction-in-force (RIF)] procedures where alternative approaches do not reasonably appear to be able to achieve management goals or ensure effective use of scarce resources.

**2. DELEGATION.** In order to enable local management to utilize their human and financial resources most effectively, and to take advantage of opportunities to re-engineer and streamline work processes and organizational structures, the Under Secretary for Health has delegated to network directors and to facility directors the authority to conduct [RIF] procedures and effect reassignment, change-to-lower grade, and separation actions for title 5 employees in non-centralized positions. Network and facility directors will exercise this delegation consistent with the procedures set forth in 5 [CFR], part 351, and part IV of this handbook. RIF actions demoting, separating, or adversely affecting employees in centralized positions will be approved in VHA [ ].

**3. RESPONSIBILITIES**

a. **Labor-Management.** Directors should work with their Partnership Councils in planning and executing RIF procedures.

b. **Procedures.** Facilities wishing to conduct a RIF should identify the universe of positions to be eliminated by position title, occupational series and grade level, together with a brief explanation of the basis for the action. This could include such bases as elimination of services, consolidation of services or functions between two or more facilities, re-allocation of workload, review of staffing or staffing mixes, etc. This listing should be forwarded to the Assistant Deputy Under Secretary for Health, through the Network Director as early as possible, but not less than 14 days before specific notices are given to individual employees.

c. **Career Transition Assistance.** Facilities planning to effect downsizing or streamlining through the use of RIF procedures must establish career transition assistance services consistent with VA and Federal government policies, as soon as possible. An outline of the plans for such services should be forwarded to the Assistant Deputy Under Secretary for Health as they are developed.

d. **Title 38 Personnel.** The RIF procedures defined in this appendix do not apply to the title 38 personnel [appointed under sections 7401(1) and 7405(a)(1)(A)]. If facility directors wish to implement staffing efficiencies involving title 38 employees [appointed under either of these authorities], they may do so using the staffing adjustment procedures outlined in chapter 3 of part IV, [of] this handbook.

**4. REPORT.** [OMB] has required that VHA track several specific items related to the RIF process both in the current fiscal year and for future budget submissions. Facility directors must ensure that they develop systems which will identify, track, and report the information required on a one-time basis, within 90 days following completion of RIF procedures. This information should be submitted through the Network office. It will be aggregated in



**APPENDIX C. VHA DELEGATION OF AUTHORITY  
TO REDEFINE COMPETITIVE AREAS**

**1. DELEGATION.** The Under Secretary for Health has delegated the authority to redefine competitive areas for organizations under their jurisdiction to network directors, with the advice and assistance of the office of the Deputy Assistant Secretary for Human Resources Management and Labor Relations (059). Such redefinitions must be fully justified and documented to ensure that such action is clearly in the best interest of VA.

**2. RESTRICTIONS.** When management establishes or changes competitive areas:

- a. Descriptions of the areas must be readily available for review by employees and [OPM].
- b. Such actions must be taken at least 90 days prior to a [RIF].
- c. If such actions are contemplated within 90 days of a [RIF], OPM must approve.

**NOTE:** *Guidance concerning establishment of new competitive areas may be found on the [OHRM&LR \[Web site\]](#).*

**3. REDELEGATION.** This authority may not be redelegated.