

Workforce Realignment, Reorganization and Reduction-in-Force

Applicability. Ohio National Guard Full-time Personnel Regulation applies to all Ohio Army and Air National Guard technicians and to commanders, managers and supervisors with authority or responsibility over technician personnel management.

Proponent and Exception Authority. The proponent of this regulation is the Directorate for Human Resources, Ohio National Guard. The proponent has authority to approve exceptions to this regulation when they are consistent with controlling laws and National Guard Bureau Technician Regulation 300(351).

Supplementation. Supplementation of this regulation is prohibited.

Suggested Improvements. Users of this regulation are invited to send comments and suggested improvements to The Adjutant General's Department, Directorate for Human Resources, 2825 W. Dublin-Granville Road, Columbus, OH 43235.

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1. Purpose.

Reorganizations, realignments, and workforce reductions may require the movement or displacement of technicians. In most cases, reduction of positions does not necessarily result in separation of technicians. When reorganizations, realignments and workforce reductions occur, a major objective is to minimize adverse impact on the current workforce. Management makes every effort to avoid involuntary separations by considering management directed reassignments, separation pay incentives, technician requested change to lower grades, furloughs, voluntary retirements, elimination of temporary technicians, and hiring restrictions.

2. References.

Reduction-In-Force (RIF) is implemented only as a final solution. All policy and instructions necessary to conduct a RIF are contained in Department of Defense Civilian Personnel Manual 1400.25-M and National Guard Bureau Technician Personnel Regulation (TPR) 300(351). The RIF procedures in Federal Personnel Manual (FPM) Supplement 351-1 do not apply since 32 USC 709(f) excludes National Guard technicians from the provisions of 5 USC 3502 (Order of Retention) and 5 USC 2108 (Veterans Preference). This regulation incorporates Article XIV requirements of the Collective Bargaining Agreement between the Ohio National Guard and AFGE Local 3970.

3. Responsibilities.

a. National Guard Bureau. Notifies The Adjutant General of known technician losses and notifies Congressional and Senate representatives.

b. The Adjutant General. After notification of technician losses from the National Guard Bureau (NGB), The Adjutant General determines whether a RIF is necessary. The Adjutant General, or his designated representative, will issue a public announcement or letter about downsizing and personnel losses. Through the efforts and support of the Directorate for Human Resources and key management officials, The Adjutant General ensures that any system used to reduce or reorganize the workforce results in equity, consistency, minimal adverse impact, and accomplishment of critical missions. The Adjutant General makes the final decision regarding individual appeals of actions taken during any technician downsizing, reorganization, or transfer of function.

c. Managers. Managers and supervisors are responsible for planning workforce reductions and reorganizations as far in advance as possible, preferably a year. Managers will include the Directorate of Human Resources in the early planning and decision making stage and keep the workforce informed. Rewriting position descriptions to include multi-skill and eliminating unnecessary supervisory or leader positions through effective position management helps to achieve targeted reductions. Imposing hiring controls and employment of temporary technicians for non-critical vacancies early on minimizes adverse impact on the current workforce.

d. Directorate for Human Resources. The Directorate for Human Resources staff serves as advisors and technical experts to the Adjutant General and managers on laws,

regulations, policy, entitlements, benefits, Reduction-In-Force procedures, and placement assistance. Assistance will include, but is not limited to, the following:

- (1) Brief managers, supervisors, and their subordinates as required;
- (2) Ensure technician personnel records and position descriptions are current;
- (3) Determine retirement eligibility and conduct interest surveys;
- (4) Accomplish qualification updates and reviews;
- (5) Institute out-placement assistance; and
- (6) Establish re-training programs for other occupational series and/or agencies.

4. Equal Employment Opportunity.

Management will ensure that all actions are implemented in a uniform, consistent, and nondiscriminatory manner. Positions may not be assigned to competitive levels on the basis of race, national origin, creed, or religion. Position may not be assigned to competitive levels on the basis of sex unless the positions are in combat units that prohibit the assignment of women. When placement actions involve technicians with disabilities, Section 501 of the Rehabilitation Act of 1973 (as amended) and 29 Code of Federal Regulations (CFR) 1613 requires management to provide reasonable accommodation for identified disabilities.

5. Definitions.

a. Reduction-In-Force (RIF). RIF occurs when a technician is released from his/her competitive level by separation, change to lower grade, furlough for more than 30 calendar days, or reassignment to other positions which involve the displacement of the incumbent. Reductions may occur because of lack of work or funds, reorganization, abolishment of positions, transfer of function, or the need to provide a job placement for a former technician exercising restoration rights following military service. Termination of temporary appointments or temporary promotions, furloughs for less than 30 calendar days, or reclassification (unless part of reorganization) are not considered RIF actions. Unless directed by the National Guard Bureau, the decision to implement a RIF will be made by The Adjutant General.

b. Tenure Groups. Tenure groups are the categories in which technicians are grouped based on length of employment and completion of probationary/trial periods as follows:

- (1) Tenure Group I: Permanent dual status technicians who have successfully completed a trial period; and permanent non-dual status technicians with career status who have successfully completed their probationary period.

(2) Tenure Group II: Permanent dual status technicians who are serving a trial period; and career conditional non-dual status technicians who are serving a trial period.

(3) Tenure Group III: Dual status technicians who serve on indefinite appointments; and non-dual status technicians serving on a time limited appointment (more than one year).

(4) Tenure Group 0: Dual status and non-dual status technicians who serve on a temporary NTE appointment.

c. Service Computation Date (SCD). The date used to determine a technician's seniority or retention standing during a RIF based on creditable Federal civilian and military service.

d. Technician Service Date (TSD). The date based on the total service as a technician with the National Guard under permanent, indefinite and temporary appointment, including technician service in other states.

e. Commuting Area. A commuting area is any geographical area and surrounding localities where people live and can reasonably be expected to travel back and forth daily to their employment sites. Although 50 miles is commonly used, there is no set mileage standard that can be used to determine the commuting area.

f. Competitive Area. The Competitive Area is the boundary within which technicians will compete for retention and receive placement offers. A competitive area may be defined in terms of organization and/or geographical location. It may be restricted to the commuting area or one organization or expanded to cover the entire state. The area may also include both the Army and Air National Guard or be restricted to one service. The competitive area should be identified during advance planning for RIF.

g. Competitive Level. The Competitive Level is a group of identical or similar positions for which technicians compete for retention. Positions are grouped by competitive levels within each competitive area. Generally, each competitive level consists of positions which have the same grade and occupational series; or are similar in qualifications requirements, working conditions, or duties and pay (incumbent of one position can perform the duties of another position without significant training or interruption of work operations). Some positions in the same occupational series will be in different competitive levels because of major differences in functions and qualifications. There is no limit on the number of positions that may be assigned to a particular competitive level. The competitive level may consist of only one position if that position is exceedingly unique. The position the technician is permanently and officially assigned to establishes the competitive level. The position to which a technician is temporarily promoted, temporarily reassigned or detailed is not used to establish the competitive level.

h. Retention Register. A list of competing technicians within a competitive level grouped by Tenure I, II and III in descending order. Within each tenure group, technicians are listed in order of their retention standing, based on their last three Performance Appraisals, Technician Service Computation Date (TSD), and Service Computation Date (SCD).

i. Retention Standing. The technician's ranking on a retention register determined by type of appointment, performance appraisal score and tenure group.

j. Order of Release. The order in which technicians on the retention register will be released from their competitive level based upon their retention standing.

k. Placement Offer. A Placement offer is an effort to place a technician who is released from his competitive level into a position at the same or lower grade.

l. Representative Rate. A rate used to determine the nature of the job change (promotion, change to lower grade, etc.) when different types of pay schedules are involved, whether in the same or different wage area. It is the fourth step of the grade of a position under the General Schedule (GS) or the second step of the grade for a Federal Wage System (FWS) position under a regular prevailing rate schedule established in accordance with subchapter IV of Chapter 53, Title 5, U.S. Code.

m. Grade Retention. Retention of an eligible technician's grade for a period not to exceed two years when demoted by RIF or reclassification (Title 5 Code of Federal Regulations Part 536 and Technician Personnel Regulation 990-2).

n. Pay Retention. This is an entitlement of eligible technicians to current pay when it exceeds the maximum rate of the grade of the position in which placed.

o. Severance Pay. This is payment to an eligible technician who has been involuntarily separated from the Federal Government. Severance pay reduces the financial effect of job loss, thereby assisting technicians as they seek employment (ref. 5 C.F.R. 550 Subpart G).

p. Advance Notices. These are written notices to inform technicians about actions (e.g., reorganization, realignment, or RIF) which will occur and the effect(s) on the work force. Examples include:

(1) General Notice. A written notice, with an expiration date, that informs the workforce about anticipated organizational changes when specific information about how each technician will be affected is unknown. The general notice discusses any changes in the organization that may involve the mission, function, location, and number/types of positions and technicians. A General Notice is unnecessary when sufficient information is available to issue a Specific Notice. The General Notice does not count toward the 60 day notice period for the Specific Notice.

(2) Specific Notice. A written notice, addressed to each individual technician involved, which describes what specific action will occur and its affect on the technician. The technician must receive the specific notice a minimum of 60 days before the effective date.

q. Appeal. This is a technician's request for review of procedures and actions taken regarding a RIF. The right of appeal does not extend beyond The Adjutant General.

r. Performance Appraisal Rating. The rating used to create a value for the retention register. This numeric rating is equivalent to the sum of the three most recent annual appraisal final ratings.

6. Informing the Workforce.

In accordance with the Collective Bargaining Agreement, the first step is to notify the labor organization concerning any changes and, upon request, bargain on negotiable proposals. To alleviate anxiety and control rumors, the Directorate of Human Resources (HRO) will conduct briefings, publish information about proposed changes and distribute information about regulations.

7. Management Options to Avoid Involuntary RIF.

Management options provide the capability to minimize the impact of reorganizations, realignments and reductions. Ideally, these options will allow the agency to avoid involuntary Reduction in Force (RIF) altogether. Below are recommended actions to achieve reduction or reorganization before implementing a RIF.

a. Management Directed Reassignment. Where possible, reassign excess technicians to available vacancies at the same grade level outside of the organizations impacted by position losses. Management may reassign technicians at any time and to any location in the state. Reassignments opportunities will be identified through the use of hiring controls, using modified qualifications flexibilities, and will be completed with the concurrence of the affected technician if possible. If all excess technicians can be reassigned, involuntary separation actions are unnecessary. Reassignments to locations outside of the commuting area are subject to laws and regulations governing severance pay, permanent change of station (Joint Travel Regulation), and Discontinued Service Retirement (DSR).

b. Voluntary Early Retirement Authority (VERA). The purpose of VERA is to create vacancies that will achieve targeted reductions, either directly or indirectly. When managers anticipate a significant number of involuntary separations caused by reorganization or workforce reduction, authority for voluntary early retirement will be requested from the National Guard Bureau and a General Notice to the work force issued. The General Notice may include a survey to determine who is interested in accepting early retirement. HRO may offer voluntary early retirement statewide to Army or Air or both, to specific organizational units, occupational series, or a geographic location. Early retirees must separate from the workforce before the effective date of the RIF and within

the window period. VERA may be offered once or in multiple rounds. VERA is not an entitlement. Determination as to how to offer VERA is based upon the number and extent of technician reductions. HRO may stop offering VERA before the expiration of the authority when target reductions are achieved.

c. Voluntary Separation Incentive Pay (VSIP). The purpose of VSIP is to create vacancies that will achieve targeted reductions, either directly or indirectly. Subject to eligibility criteria, VSIP may be authorized to minimize involuntary separations by encouraging voluntary resignations, optional retirement and early retirement. VSIP is calculated under the same formula as severance, up to a maximum of \$25,000. VSIP recipients must separate before the effective date of the formal RIF. VSIP may be offered once or in multiple rounds.

d. Implementation of VERA and VSIP. Once management has an understanding of the number and extent of technician reductions, HRO will request VERA & VSIP authorizations from NGB. HRO will then determine how best to offer VERA & VSIP to the workforce. This will include what group(s) will be allowed to apply, and the window(s) for applications to be received. Regardless of the competitive area, management may offer VERA & VSIP to segment(s) of the workforce expected to achieve the target reductions. This could be as small as a work center or as large as the entire Ohio Army and Air National Guard. There is no prohibition for an individual to receive both a VERA and a VSIP.

e. Voluntary Change to Lower Grade. After a General Notice is issued, and subject to approval, a technician may voluntarily accept a change to lower grade in order to save another technician from adverse impact. A technician who volunteers for change to lower grade will receive grade/pay retention in accordance with governing regulations, under the following conditions:

(1) The voluntary change to lower grade will avoid or lessen the adverse impact of a RIF.

(3) The voluntary change to lower grade is free from coercion or pressure from supervisors or higher level managers.

(4) The volunteer must acknowledge in writing the reasons for the change to lower grade, the benefits to which he/she is entitled, and the irrevocability of the change to lower grade after receipt of a change to lower grade notice. Volunteers for change to lower grade are entitled to noncompetitive re-promotion to their former grade and position when and if suitable vacancies become available.

f. Voluntary RIF (VRIF) Separations. Technicians may volunteer for involuntary separation if doing so will prevent separation of another technician. Volunteers are eligible for all rights and benefits as those involuntarily separated under RIF. Volunteers for RIF separation receive severance pay as long as the following conditions are met:

(1) Volunteers for separation must be in the same competitive area as technicians targeted for involuntary separation.

(2) The volunteer separation results in cancellation of a RIF separation or placement of an excess technician.

(3) Volunteer separations are cost effective in comparison to involuntary separations.

(4) Funds are available to cover the cost of a voluntary separation.

(5) Volunteers must be serving on a permanent appointment and may not have a pending or approved application for Disability Retirement.

(6) Volunteers must sign a written understanding of record which states their understanding of the separation, entitlement to benefits, and that their decision is irrevocable. Technicians who volunteer for separation are ineligible for Voluntary Separation Incentive Pay (VSIP) and registration in the DOD Priority Placement Program.

g. Furlough. When budget reductions occur, the agency may avoid involuntary separations by placing technicians temporarily in a non-pay status. For a furlough of 30 calendar days or less (22 workdays or less when furlough days are not continuous), refer to Technician Personnel Regulation (TPR) 715. RIF procedures will be used for furloughs which exceed 30 calendar days (or more than 22 workdays when furlough days are continuous). A furlough is appropriate when managers expect to return technicians back to work within twelve months. Give technicians a minimum of 14 calendar days notice before the effective date, if possible. An emergency due to a lapse of Government funding or natural disaster may necessitate furlough with no advance notice. In such situations, affected technicians will receive written notification as soon as possible. The technicians will be informed of:

(1) Reason(s) for furlough.

(2) Estimated length.

(3) Appeal rights.

(4) Obligation to return to duty on the date specified.

(5) Separation for failure to return to work when recalled.

h. If technicians are called back to work before the specified date, those with higher retention standing will return to duty first.

i. Other Management Options. Consideration may be given to curtailing recruitment, separating temporary technicians, and encouraging use of leave without pay. A Reduction-In-Force should be implemented only as a final solution.

8. Requirements for Involuntary RIF.

a. Preparation. Long before a RIF is anticipated, it is essential that all personnel records pertaining to service computation date, technician service date, position classification, tenure group, and competitive levels and eligibility for optional and early retirement are complete and accurate.

b. Competitive Area. When the extent of the RIF is known, the competitive area is established as far in advance as possible. Technicians will compete for positions within their designated competitive area. Those who cannot be placed within their competitive area may be placed in vacant positions outside of their competitive area through merit placement procedures, including reassignment.

c. Competitive Level. The State Classification Specialist, with assistance from the Personnel Staffing Specialist, will establish separate competitive levels for:

- (1) Part-time and full-time positions
- (2) Excepted and competitive service positions
- (3) Supervisory and non-supervisory positions

d. Retention Registers. Establish separate registers for different competitive levels. Arrange the technicians' names on the register in descending order within each competitive level by tenure group, last three Performance Appraisal Ratings as of the specified cutoff date, Technician Service Computation Date (TSD) and Service Computation Date (SCD). Doing a "Mock RIF" in advance of an actual RIF is recommended to enable management to determine who would be adversely affected and need placement assistance. For more examples on working through a retention register, see Appendix A.

e. Performance Appraisals. At the time the Adjutant General or NGB authorizes a reduction in force, the HRO must establish a cutoff date for receipt of any new appraisals. Receipt of a new performance appraisal after a reduction in force has been authorized will not affect the technician's retention standing. However, if a decision on an appealed performance appraisal is issued before the effective date of the technician's release from the competitive level, use the appraisal rating and score which resulted from the appeal. The three most current appraisals on record will be summed to determine retention standing. Technicians who have three years of employment but who do not have three performance appraisals on file will be credited with a Fully Acceptable rating for any missing appraisals. Employees with less than three years of service will not be credited with additional Fully Acceptable ratings to fill out three years. Only appraisals on file for technician service within the Ohio National Guard will be recognized.

f. Status of Technicians Restored After Active Duty. Technicians who have been restored after active duty under 38 U.S.C. 4312 may not be separated for one year after restoration except for cause. If technicians in this category are identified for release from a competitive level during their first year of restoration, they may not be separated, but are entitled to an equivalent position, unless, under 38 U.S.C. 4314 (d) the Adjutant General determines that it is unreasonable or impossible to reemploy the technician. Restored technicians may apply for VERA or VSIP.

g. Status of Technicians Restored after Fully Recovering from Injury (within one year). A fully recovered technician who is permanently re-employed in a position funded by the National Guard will compete with other onboard technicians for retention. Such technicians may be separated because of Reduction-In-Force or personal cause. Those in positions which are not funded by the National Guard do not participate in the Reduction-In-Force process, but may be reassigned to other organizations because of lack of work.

h. Dual Status/Non-Dual Status. Certain organizations (e.g., USPFO, Directorate for Human Resources) have both Dual Status and Non-Dual Status technicians who occupy identical positions. In such cases, Dual Status and Non-Dual Status technicians will be on separate retention registers. The Adjutant General will decide whether to reduce the Dual Status or Non-Dual Status workforce.

i. Order of Release. Based upon tenure group and other elements, identify technicians for release from their competitive level. Release technicians in the order in which their name appears on the retention register.

j. Adjustment in Order of Release. Adjustment in the order of release may be necessary for very unusual situations; e.g., to allow for completion of a special project impacting on the organization's mission. If lower standing technicians are retained while releasing those with a higher standing, inform the higher standing technicians, in writing, of the reasons for the change in order of release. After completion of the special project, the lower standing technician will be released and the higher standing technician will be reinstated to duty.

k. Preparation of Specific Notice. Before releasing technicians from their competitive level, they must receive a Specific Notice no later than 60 days prior to the effective date of the personnel action. The last day of the notice may not fall on a non-workday. The personnel action may not be effected, or the notice delivered, during the period 15 December through 3 January. As a minimum, include the following information in the notice:

(1) Reason(s) for the action.

(2) Specific action that will be taken (reassignment, demotion, separation, etc.) and effective date.

- (3) Title, series, grade and salary of new job offer.
- (4) If applicable, compatibility information for the new position.
- (5) If applicable, reasons for any exceptions to order of release.
- (6) Location of retention registers, pertinent regulations and who to contact for additional information.
- (7) Appeal rights (how to submit, to whom, and time limits).
- (8) Explanation of all benefits due, such as, grade and pay retention, severance pay entitlement, and retirement eligibility.
- (9) Eligibility for additional placement assistance.
- (10) Requirement for the individual to acknowledge receipt of the notice by signature, if delivered in person, or by return receipt, if mailed.

l. If a more severe action than originally proposed becomes necessary, a new notice will be issued.

m. If a less severe action than originally proposed becomes necessary, a new notice will be issued.

9. Placement During Involuntary RIF.

a. Review of Qualifications. HRO may review each technician's qualifications in conjunction with available vacancies to identify placement opportunities. Technicians may submit resumes to HRO in order to update their known qualifications for placement opportunities.

b. Placement Actions. Technicians displaced in realignment or reorganization will only be placed into vacant positions, defined as permanent positions that are currently open or as permanent positions held by Temporary or Indefinite technicians. The Ohio National Guard will not exercise the authority to place a permanent technician who has been displaced into a permanent position occupied by another permanent technician, thereby displacing the second permanent technician (also known as Bump and Retreat), established in 5 C.F.R. 351.705. Competition for placement into vacant positions will occur in the following order:

- (1) Competition for vacant positions at the same grade or pay.

- (2) Competition for vacant positions at lower grade levels or pay.

c. When placed, technicians must meet all military/compatibility requirements and be able to perform the duties of the job. The Directorate for Human Resources may waive all

technician qualification standards except mandatory education and military compatibility requirements for placement in vacant positions at the same or lower grade. Competitive, merit placement procedures must be used for placement in higher graded positions.

d. Placement Actions. If the order of release process identifies more than one technician for release, the Directorate for Human Resources will place technicians with higher standings before those with lower standings. Technicians unable to be placed must be separated.

e. Reemployment Priority Lists (RPLs). Establish RPLs to document separation of technicians and to provide a tool for orderly reemployment consideration. A Reemployment Priority List contains names of individuals in tenure groups I and II who have been separated due to reorganization or RIF. The names are listed in order of retention standing (highest to lowest) and will remain on the list for two years. Individuals will receive priority placement for all suitable vacancies at the same grade or representative pay rate of the former position. RPL registrants should also be queried when positions become available at lower grades and in other commuting areas; however, their entitlement to reemployment is at the grade of the former position and in the same commuting area. Therefore, declination of reemployment opportunities at lower grades or outside the commuting area will not result in removal from the RPL. If vacancies become available, refer qualified technicians in tenure group I before those in tenure group II. Refer all qualified technicians for consideration and selection by the selecting official if the tenure group has more than one qualified RPL registrant. Remove names of individuals who decline an offer at the same grade or representative rate, request removal, or when the period of consideration expires. Technicians entitled to grade retention in accordance with Technician Personnel Regulation (TPR) 300(335), will receive priority placement before RPL registrants.

f. DOD/OPM Priority Placement Program. Technicians who qualify may be registered for placement in other agencies through the Department of Defense (DOD) and Office of Personnel Management (OPM) priority placement programs. Registration will be in accordance with DOD Manual 1400.20-1-M.

g. Outplacement and Training. Additional placement assistance may be obtained through the state and federal government programs as well as private and non-profit organizations. Contact HRO for information about training programs, employment services, and other benefits.

10. Records and Files.

Maintenance and disposition of all files and records associated with any action will be in accordance with applicable Army or Air Force Regulations. Files must contain all records necessary to reconstruct any action, including:

a. Rationale for establishment of the competitive area.

b. Official authorization for the Reduction-In-Force or reorganization.

- c. Copies of all retention registers.
- d. RIF notices.
- e. Placement actions.
- f. Documentation of exceptions to order of release.
- g. Other pertinent documents.

11. Transfer of Function.

a. A transfer of function occurs when a continuing function moves from one competitive area to another; or the competitive area in which the function is performed moves to another commuting area. The movement of a function within the same competitive area does not meet the definition of a transfer of function. In a transfer of function, the operation of the function must stop in one area and continue in its identical form in another area. The movement of a function to a gaining competitive or commuting area where an identical function is already being performed is not a transfer of function.

b. Types of transfers. The transfer may occur within the same state or between different states. When the transfer of function occurs in the same state, every effort should be made to transfer technicians with the function. A written notice must be issued to affected technicians a minimum of 90 days before the effective date. A transfer of function may involve the relocation of a military unit to another state. The decision as to who will be appointed as technician rests with The Adjutant General of the gaining state or his designated appointing authority. The decision as to who will be assigned to the military unit rests with the unit commander. These decisions will determine whether technicians from the losing state meet legal and regulatory requirements for transfer with their unit. The gaining state is encouraged to accept technicians from the losing state who would otherwise be demoted or separated. The losing and gaining states should work together to effect the transfer and assist technicians who will face demotions or separations.

c. Transfer of Function within Ohio. Notify the affected technicians as far in advance as possible to determine who will transfer with the unit. As soon as this information becomes available, issue a written notice to technicians within the function concerned, a minimum of 90 days before the effective date which states:

- (1) Reason(s) for the transfer.
- (2) Effective date.
- (3) If applicable, the maximum amount of time (at least 10 calendar days) for the technician to either accept or reject the transfer offer.

(4) If the transfer offer is rejected, the notification letter constitutes a notice of termination of employment which is effective on the date of the transfer.

(5) Eligibility for severance pay, optional retirement, and discontinued service retirement. If eligible, other technicians may volunteer to transfer in place of the incumbents of positions assigned to the transferring unit.

If placement opportunities do not exist, such technicians will be separated. If the transfer would result in an excess number of technicians at the gaining work site, use Reduction-In-Force procedures before technicians are physically relocated to the new employment site.

d. Transfer of Function between States--Losing State. Notify the gaining state about affected technicians as far in advance as possible to determine who will transfer with the unit. As soon as this information becomes available, issue a written notice to technicians within the function concerned, a minimum of 90 days before the effective date which states:

(1) Reason(s) for the transfer.

(2) Effective date.

(3) If applicable, the maximum amount of time (at least 10 calendar days) for the technician to either accept or reject the transfer offer.

(4) If the transfer offer is rejected, the notification letter constitutes a notice of termination of employment which is effective on the date of the transfer.

(5) Eligibility for severance pay, optional retirement, and discontinued service retirement. If eligible, other technicians may volunteer to transfer in place of the incumbents of positions assigned to the transferring unit. Volunteers must meet technician qualification and military compatibility requirements. The losing state should advise technicians who do not transfer with their unit about placement assistance available, including Department of Defense and Office Personnel Management placement programs. Management has the option to reassign individuals to an organization that will not transfer to another area. If placement opportunities do not exist, such technicians will be separated.

e. Transfer of Function between States--Gaining State. After a determination is made as to the effective date of the transfer and which technicians will transfer with the unit, help the losing state or location ease the transfer by providing information on housing, schools, employment site, and other amenities. If the transfer would result in an excess number of technicians at the gaining work site, use Reduction-In-Force procedures before technicians are physically relocated to the new employment site.

12. Appeals and Corrective Actions.

a. A technician or representative of the labor organization, who believes that the provisions of governing regulations were improperly applied, may appeal the action to The Adjutant General. The appeal must be in writing and be submitted no later than 30 days after receipt of the Specific Notice. The appeal must specifically state how the action failed to comply with the procedures in National Guard Bureau (NGB) or local regulations.

b. The Adjutant General will issue a written decision to all interested parties and, where appropriate, direct corrective action. The Adjutant General's decision is final, and no other appeal opportunity exists. If an appeal results in the finding of an error that does not change the results of a placement action, the error will be corrected without returning the incumbent to his or her former position. If the appeal results in a finding that an error caused an incorrect placement action, corrective action may require the incumbent to return to his or her former grade and pay level or to one with similar duties, status, grade, and pay. The technician may also be reimbursed for all pay lost as a result of any improper action.

13. Competitive Areas.

The competitive area will be the area determined at the time of a Reduction-in-Force that best fits the specifics of the reorganization. BRAC Leave provisions will be authorized in accordance with 5 U.S.C. 6304 upon approval of a designated competitive area. Competitive areas may include but are not limited to the following:

- All Organization Army – Statewide
- All Organization Air – Statewide
- JFHQ-ARNG funded positions include all Directorates.
- JFHQ-ANG funded positions include HQ OHANG and/or ANG HRO
- AASF 1 Akron
- AASF 2 Rickenbacker
- OHARNG Division, Brigade, Battalion, and Company Level Field Units
- CSMS DSCC
- Each individual FMS Shop separately
- Each MATES individually
- Each Training Site individually (Ravenna, RTI, etc...)
- USPFO
- 121st ARW (includes 164th Weather Flight)
- 178th FTW
- 179th AW
- 180th FW
- 200th RHS
- 220 EIS
- 123 ACS
- 251st CCG
- 269th CCS

14. Post Separation Entitlements.

a. Statutory and Office of Personnel Management (OPM) regulatory authorities contained in Chapters 63, 83, 84 and 89 of title 5, United States Code (U.S.C.) and title 5 of the Code of Federal Regulations (CFR) 351, respectively, provide expanded post separation entitlements and benefits to ease transition. These authorities concern eligibility for retirement, eligibility for continued health benefits coverage entering retirement, and temporary continuation of health benefits coverage (TCC).

b. Extended employment for retirement and/or health benefits eligibility: The Ohio National Guard shall retain eligible civilian employees in an annual leave status beyond their scheduled separation date (employee must have adequate annual leave balance) to attain first eligibility for immediate retirement as described in 5 U.S.C. 8336, 8412 and 8414 or to become eligible for continued health benefit coverage during retirement under 5 U.S.C. 8905.

1. Usually a technician is released on the effective date of the reduction in force (RIF). However, in accordance with 5 CFR 351.606 (b) (reference (b)), an affected technician must be granted temporary exception to the normal order of release to attain these expanded benefits, if he or she elects to use annual leave for this purpose. Additionally, the Ohio National Guard shall make a similar temporary exception to retain a technician facing separation under adverse action procedures described in 5 CFR 752 (reference (b)) due to declination of an offer to relocate outside the commuting area or declination of a transfer of function.

2. Technicians meeting these criteria shall be carried on the Ohio National Guard's rolls (in an annual leave status) beyond the effective date of separation until the technician attains entitlement eligibility. The technician shall be retained for a period sufficient to satisfy both retirement and health benefit requirements. All leave available in a technician's annual leave account may be used for this purpose; however, upon attaining retirement eligibility, the retirement action is made effective and all remaining annual leave shall be paid in a lump sum.

3. The Human Resources Office shall identify eligible technicians and provide information concerning this entitlement, including applicable conditions and waiver procedures. A technician may waive this entitlement. Waivers must be submitted in writing. A technician shall be automatically covered by this exception, unless a waiver is signed.

4. The employing DoD Component shall fund this entitlement.

c. Temporary continuation of federal employee health benefits (FEHB) coverage: The DoD Component that last employed the individual is required to pay the Government's share of an eligible technician's health insurance premium (and applicable administrative fees) for a period of up to 18 months after involuntary separation from a position or voluntary separation from a surplus position in accordance with 5 U.S.C. 8905a(d)(4).

Payment begins on the 32nd day after the effective date of the employee's involuntary separation or voluntary separation from a surplus position, due to a DoD RIF. A surplus position is a position identified in pre-RIF planning as no longer required and is expected to be eliminated under formal RIF procedures.

1. Temporary continuation of coverage applies to employees enrolled in the FEHB Program during their covered separation. It applies to employees who are separated by RIF, resign after receipt of a RIF separation notice, volunteer for reduction in force (VRIF program), or resign from a surplus position. Likewise, employees serving on temporary appointments receiving a government contribution to their FEHB coverage and whose appointment terminates (or is allowed to expire) because of RIF are eligible. Employees declining a transfer of function are not eligible. This entitlement is based on the legislative authority contained in 5 U.S.C. 8905a(d)(4) and may be extended or terminated by future legislative action. For information concerning the duration of the authority, refer to that reference.
 2. Technicians must continue to pay their share of the premiums during the extended coverage period.
 3. The Human Resources Office shall include the following information on the Health Benefits Registration Form SF 2809, "Employee Health Benefits Registration Form": Self, DoD-RIF, Involuntary Separation, 5 U.S.C. 8905a(d)(4)); separation date: [ENTER DATE]; last day of pay period: [ENTER DATE]; Agency Code: [ENTER FOUR DIGIT CODE]; Appropriations Code: [ENTER NINE DIGIT CODE], or SC1704.3.4.2. Self, DoD-Voluntary Separation from a Surplus Position, 5 U.S.C. 8905a(d)(4)); separation date: [ENTER DATE]; last day of pay period: [ENTER DATE]; Agency Code: [ENTER FOUR DIGIT CODE]; Appropriations Code: [ENTER NINE DIGIT CODE].
 4. The employing DoD Component shall fund this entitlement. For closing installations, the relevant DoD Component must furnish pertinent information regarding the designated, successor human resources office to the National Finance Center. (The successor human resources office shall provide ongoing support to eligible technicians including enrollment advice and information.) This notification must be provided before the first day of the month in which the successor human resources office assumes responsibility. If a technician moves to a temporary position with another DoD Component without a break in service, delaying the beginning date of entitlement to subsidized TCC, the employing DoD Component continues to be responsible for funding the entitlement during the time the technician gains eligibility.
- d. Automatic waiver of FEHB minimum participation requirement: The provisions of 5 U.S.C. 8905 require technician enrollment in the FEHB program for at least 5 years immediately prior to retirement (or for all service during which the technician was

eligible for FEHB coverage, if less than 5 years) to continue coverage as a retiree. The OPM, will grant pre-approved waivers to DoD employees covered under the FEHB Program continuously since the beginning date of the DoD Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Pay (VSIP) period. Since the DoD VERA and VSIP authority is permanent, the VERA/VSIP period is renewed each fiscal year and lasts from October 1st to September 30th.

1. The OPM will grant pre-approved waivers to DoD employees who:
 - a) Have been covered under the FEHB program continuously since October 1st for each succeeding fiscal year; and
 - b) Retire during the DoD VERA/VSIP period; and
 - c) Receive a VSIP; or
 - d) Take early optional retirement; or
 - e) Take a discontinued service retirement based on an involuntary separation due to RIF, directed reassignment, reclassification to a lower grade, or abolishment of position.

2. The DoD activities must attach a memorandum to the employee's retirement application that provides:
 - a) A statement that the employee meets the requirements for a pre-approved waiver by the OPM;
 - b) The beginning and ending date of the VERA/VSIP period during which the employee retired (i.e., the beginning and ending date of the applicable fiscal year); and
 - c) A statement that the employee was enrolled in the FEHB Program on the beginning date of the VERA/VSIP period during which he or she retired and that he or she was enrolled continuously to the date of retirement.

GREGORY WAYT
Major General
The Adjutant General

OFFICIAL:
MICHAEL ORE
Colonel, MP, OHARNG
Director for Human Resources

Appendix A. Retention Roster Methods

First Sort: Within the Area & Level, Technicians will first be sorted according to tenure. Tenure 1 Permanent, Tenure 2 Probationary, and Tenure 3 Indefinite technicians will compete separately. Temporary technicians will not be listed on a roster, but will be released as needed to create vacancies. Tenure 3 Indefinite technicians will be released before Tenure 2 Probationary technicians, and Tenure 2 Probationary technicians will be released before Tenure 1 Permanent technicians. So, if the Competitive Area and Level contains three Tenure 1 Permanent technicians, two Tenure 2 Probationary technicians and one Tenure 3 Indefinite; and three positions have been lost in the realignment, the two Probationary and one Indefinite technician will be released and no further competition if necessary. (Go to Specific Notices)

Second Sort: If, however, competition remains within a tenure group, then retention standing is differentiated by a computed technician appraisal performance level. To compute retention standing, the three most recent official technician appraisals will be used by assigning a point value to the adjective performance level of each appraisal as follows:

Outstanding -5;
Excellent - 4;
Fully Acceptable - 3;
Marginally Acceptable - 2; and
Unacceptable - 1

The point values of the three appraisals will be totaled to determine a retention register adjective performance level. This retention register performance level will be assigned on the basis of total point values, as follows:

14-15 for Outstanding;
11-13 for Excellent;
8-10 for Fully Acceptable;
5-7 for Marginally Acceptable; and
3-4 for Unacceptable

For example, we have four Tenure 1 Permanent technicians with Performance Appraisal ratings of 14, 12, 12 and 8 respectively. If the realignment requires reduction of one position, then the Tenure 1 Permanent technician with the overall Performance Appraisal rating of 8 would be released. At this point competition ends. That technician might be reassigned to a vacancy, or separated from employment, depending on what was available through force management. (Go to Specific Notices)

Third Sort: If Tenure and Performance Appraisal ratings are equal, the next differentiator on the retention roster is Technician Service Date (TSD). This date is the computed date for all technician service, including service in other states. It does not

include military service. If a tiebreaker is necessary among technicians with the same Tenure and Performance Appraisal rating, then this number is used.

Using the example above, assume we have four Tenure 1 Permanent technicians with Performance Appraisal ratings of 14, 12, 12 and 8 respectively. If the realignment requires reduction of two positions, then the Tenure 1 Permanent technician with the overall Performance Appraisal rating of 8 would be released. However, the next two technicians' Performance Appraisal ratings are tied at 12. If it turns out that the first technicians' TSD is 1 Jan 2000, and the other's TSD is 1 Jan 1995, then the technician with the most recent TSD (1 Jan 2000) would be released. At this point competition ends. Both released technicians might be reassigned to a vacancy or separated from employment, depending on what was available through force management. (Go to Specific Notices)

Fourth Sort: If Tenure, Performance Appraisal ratings, and TSD are equal, then Service Computation Date (SCD) will be used as the final tiebreaker. SCD used here is the same as that used to compute your annual leave accrual. All qualifying civilian and military service counts toward the SCD.

Using the example above one more time, assume we have four Tenure 1 Permanent technicians with Performance Appraisal ratings of 14, 12, 12 and 8 respectively. If the realignment requires reduction of two positions, then the Tenure 1 Permanent technician with the overall Performance Appraisal rating of 8 would be released. However, the next two technicians' Performance Appraisal ratings are tied at 12. If it turns out that they both started on the same day, and the TSD for both of them is 1 Jan 2000, then SCD would be used as the tiebreaker. In this case, it might turn out that one technician has only basic training and technical school for military service, while the other has four years prior Title 10 service. Even if that time hasn't been bought back for retirement purposes, it will count for SCD-Leave. When TSD is equal, the technician that only has basic training and technical school for creditable military service will have a more recent SCD and will be released. At this point competition ends. As before, both released technicians might be reassigned to a vacancy or separated from employment, depending on what was available through force management. (Go to Specific Notices)

Specific Notices: Specific Notices are sent individually to all technicians within the Competitive Area and Level. Notices inform each technician whether his position has been abolished and if he has been released or will be placed.

Appendix B: Example of a Retention Register and Final Voluntary/Involuntary Actions

Competitive Area: Defense Media Activity, Stuttgart						
Competitive Level: GS-0343-12 Management Analyst						
Employee	Tenure	Last 3 Appraisals	TSCD	SCD	Overall Ranking	Action
Joe	1	15 ↓	23 yrs	24 yrs	1	Position abolished, accepted VERA
Jack	1	14 ↓	18 yrs	18 yrs	2	Remains employed
Jane	1	14 ↓	15 yrs	20 yrs	3	Position abolished, accepted VSIP
Jim	1	13 ↓	22 yrs	25 yrs	4	Remains employed
Judy	1 ↓	13	22 yrs	22 yrs	5	Position abolished, reassigned to a vacant position during voluntary phase
Jerry	2 ↓	0	6 mos	4 yrs	6	Position abolished, accepted change to lower grade with grade & pay retention
Jill	3 ↓	5	1 yr	10 yrs	7	Position abolished, released