**EMPLOYEE GUIDANCE - ADJUSTMENT IN FORCE**

1. **What is Adjustment in Force (AIF)?**

The DCIPS force shaping or reduction mechanism for releasing employees from competitive levels in order of tenure, veterans’ preference, performance score and length of service according to this policy. All applicable Title 10 AIF references are consistent with but not subjected to AR 690-351-1 or Title 5 references to Reduction in Force (RIF).

1. **What will the Army do to prevent an AIF?**

Before implementing AIF, commanders should first consider the following options:

* Freeze hiring actions that would add to personnel strength
* Determine if furloughs are appropriate
* Offer VERA/VSIP
* Offer grade/pay retention to employees accepting a voluntary downgrade
* Allow employees to voluntarily reduce their work hours
* Reassign surplus employees to vacant positions not affected by the alignment
1. **How much notice will I have if I’ll be affected by an AIF?**

Commanders of ACOMs, ASCCs, DRUs and the AASA shall notify employees who are potentially affected by the planned AIF no fewer than 90 days prior to the effective date of the AIF, and they shall provide each employee reached for an action in AIF a specific written notice of the action at least 60 days (not counting the date the notice is delivered or the AIF effective date) before the AIF effective date.

At a minimum, AIF notification shall contain the following:

* The action to be taken, the reason for the action, and its effective date
* Documentation of the employee’s work category, work level, competitive area, competitive group, tenure group, subgroup, veterans' preference, and evaluation of record (and dates of rating) used for performance credit and length of service computation
* The place where the employee may inspect the regulations and records pertinent to the case
* In cases of exceptions to the order of release, the reason for retaining a lower standing employee in the same competitive group;
* Information on reemployment rights
* The employee’s benefits, entitlements and appeal rights, including the time limits for appeal and the address of the AIF AC.
* A notice of eligibility for other assistance and an authorization, at the employee’s option, to release their resume and other relevant employment information for employment referral to the State entity established under title I of the Workforce Investment Act of 1998 and potential public or private employees.
* Information concerning how to apply both for unemployment insurance through the appropriate State program and benefits available under the State's Workforce Investment Act of 1998 programs.
1. **What is timeline for AIF / what other events occur?**

Click **here** for a detailed timeline of AIF activities. Some of the decisions that need to be made in preparation for AIF include the following:

* Identify the positions to be abolished
* Determine AIF effective date
* Establish and appoint AIF teams
* Authorize freeze dates for personnel actions, employee qualifications, updates, completed evaluations
* Determine how much official time employees have to use outplacement services
1. **How does the Army determine who is displaced?**

An Army DCIPS employee shall be displaced by moving the employee from his or her present position to a position held by an employee of lower retention standing on the same retention list. Displacement is caused by the abolishment of the employee’s position or by the movement of an employee with higher retention standing into a position held by an employee of lower retention standing.

* *Qualifications*. An Army DCIPS employee must be:
	+ Qualified for the lower standing employee’s position and must meet the designated standards and requirements, including minimum educational requirements, for the position
	+ Physically qualified, with reasonable accommodation where appropriate, to perform the duties of the position
	+ Able to satisfactorily perform the duties of the position without undue interruption.
* *Order of Displacement and Release*.
	+ Employees shall be released from the retention register in the inverse order of retention standing, beginning with the employee with the lowest retention standing. To ensure this, employees with the highest retention standing whose position has been abolished, shall be placed first. This process shall continue for each employee whose position has been abolished, or whom another employee has displaced, in descending retention standing order.
	+ All employees in Tenure Group III shall be released before any employee in Tenure Group I is released.
	+ Within each Tenure Group, all employees in Subgroup C shall be released before any employee in Subgroup B is released, and all employees in Subgroup B before any employee in Subgroup A.
	+ Within each Subgroup, employees shall be released in order of performance score, beginning with the lowest performance score. If two or more employees within the same Subgroup have the same performance score and at least one, but not all, of the employees must be released, employees shall be released based upon their length of creditable service, with the employee having the least amount of creditable service released first.
	+ Tiebreakers to be used shall be determined in advance of an AIF for situations where two or more employees in the same Tenure Group and veterans’ preference Subgroup have identical performance scores and creditable service, and at least one, but not all, of the employees must be released from the competitive group.
1. **How do I determine my retention standing?**
* *Retention Standing*. Retention standing is based on a combination of tenure, veterans’ preference, performance, and length of creditable service, and is determined only for competing employees.
* *Retention Register*. All competing employees occupying positions in the competitive area, who are placed in the same competitive group, are included on a retention register in order of retention standing. While all positions in the competitive group are listed, only competing employees have retention standing.
* *Retention Factors*. The following shall be used in determining retention: tenure group, veterans’ preference, performance and creditable service, as described in Section 1610 of Title 10 and specified in AP-V 2004.
1. **What are Competitive Areas or Competitive Groups?**

Commanders with the advice and guidance of the servicing CPAC shall determine competitive areas and competitive groups no fewer than 90 days prior to the planned effective date of an AIF. Employees shall not be assigned to more than one competitive area or competitive group at one time. To establish or change a competitive area or a competitive group less than 90 days before the effective date of an AIF, commanders must notify HQDA DCS, G-2, who must notify USD(I) prior to issuing written notices.

* *Competitive Area.* A competitive area may be established based on one or more of the following: geographical location; lines of business; organizational unit; and funding lines. DCIPS employees in competitive areas shall not be mixed with non-DCIPS employees.
* *Competitive Group*. Within the competitive area, the competitive group may be defined on the basis of the same pay schedule, career group, series, supervisory status, and work schedule that are similar enough in duties, skill and qualification requirements, pay schedules and working conditions so that incumbents could perform the work of any other position in that competitive group without undue interruption. Considerations in determining a competitive group include minimizing disruption and AIF impact as well as retention of skills. A competitive group cannot be based on gender, except for those positions for which the U.S. Office of Personnel Management (OPM) designates that certification of eligible personnel by gender is justified.

An employee competes in AIF from his or her official position of record. Determinations of the employee’s competitive area, competitive group and placement on the retention list are based on the employee's official position of record. While other records that document actual performance of duties and responsibilities may ultimately affect their eligibility for other positions by demonstrating the employees’ qualifications, employees will be included in competitive areas or groups based only on their official position of record. Employees who are in the same competitive area or competitive group and who are in Tenure Groups I and III, as defined by this Volume, shall compete for retention.

1. **What are the differences between AIF (in DCIPS) and RIF (in the Competitive Service)?**

DCIPS stresses placement rather than displacement. Some features are the same in DCIPS (AIF) and the Competitive Service (RIF) but there are two significant differences: Tenure Group Definitions and Assignment Rights.

* Tenure Group Definitions

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| **DCIPS** | **Competitive Service** |
| **Group 1** - Excepted Permanent -Permanent appt/Trial Period completed | **Group 1** - Career (Three years and over) - Permanent appt/Conditional complete |
| **Group 2** - Excepted Permanent - Permanent appt/in Trial Period | **Group 2** - Career Conditional - Permanent appt/Serving 1st 3 year period |
| **Group 3** - Excepted Nonpermanent- | **Group 3** – Nonpermanent - NTE period greater than 1 year Terms (continuous) |

\*\* DCIPS does not have an “Excepted Conditional” appointment.

* Subgroups - same definitions apply to both DCIPS and the Competitive Service

|  |  |
| --- | --- |
| **AD** | Compensable Veterans (30%) |
| **A** | Other Vets |
| **B** | Non-Vets |

* Assignment Rights.
* DCIPS employees’ Assignment Rights do not result in chain reactions where each displaced employee displaces another until no additional positions are available. Instead, if a position is abolished, no more than two people will be impacted – the person in the position to be abolished and the person on the applicable Retention Register with the lowest retention, if different from the first person. The lowest person on the Retention Register is the one who will be displaced.
* There is only one round of competition in a DCIPS Adjustment in Force (AIF) because of how Assignment Rights are determined.
* DCIPS and Competitive Service employees do not compete against each other during an AIF. A Competitive Service employee cannot bump or retreat into a position encumbered by a DCIPS employee and vice versa.
* Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Pay (VSIP) are available/not available equally to DCIPS and Competitive Service employees.
1. **If I’m offered a new position, what are my options?**

Commanders may offer an Army DCIPS employee placement in a position for which the employee is considered qualified that is occupied by an employee with lower retention standing in the same competitive group and area, is not temporary, and does not result in a promotion. Offers may be made to a position at any grade at or below the employee's present position. The position offered may be a position in a developmental program.

* + An Army DCIPS employee is not entitled to a position offer until an offer is made. Once a position is offered to an employee, the employee is entitled to that offer. Except as provided in AP-V 2004, the employee is not entitled to any further offers if the employee:
		1. Accepts the initial offer;
		2. Rejects the initial offer; or
		3. Fails to reply to the initial offer within a reasonable time.
	+ If another position for which the Army DCIPS employee is qualified and for which the employee has retention standing becomes available before, or on, the effective date of the AIF, that position shall be offered to the released employee regardless of whether the employee accepted or declined a previous offer. The employee is entitled to any better offers of assignment which may occur as a result of another employee’s rejection of an offer, resignation, retirement, etc.
	+ Vacant positions may be offered to those Army DCIPS employees being displaced through AIF, to mitigate the disruption and impact of AIF.
1. **What happens if I’m furloughed?**

A competing Army DCIPS employee may be furloughed when the intent is to recall the employee to duty within one year from the date of separation and the furlough will last for more than 30 consecutive calendar days or more than 22 workdays if done on a discontinuous basis. If more than one employee is to be furloughed, the procedures in this policy shall be followed to determine retention standing, and employees shall be released beginning with the employee who has the lowest retention standing on the retention register. A competing employee may not be separated while an employee with a lower retention standing in the same competitive group is on furlough. An employee may not be furloughed for more than one year. When employees are recalled to duty, they shall be recalled in the order of their retention standing, beginning with the employee with the highest retention standing.

1. **What is a Transfer of Function (TOF)?**

A Transfer of Function (TOF) occurs when work is moved from one competitive area to another or when an entire competitive area is moved to a new local commuting area. The work must cease to be performed in the losing competitive area and be performed by employees (not contracted out) in the new competitive area. In instances where the entire competitive area is moved to a new local commuting area, the same type of work may already exist in the new competitive area or new local commuting area.

It is not a transfer of function when the work is scheduled for liquidation or termination, even if associated or follow-up work is transferred to another competitive area for final closure.

Commanders shall use the displacement and release procedures of AP-V 2004 to determine the transfer and retention rights of employees in both the losing and gaining competitive areas in the event of a transfer of function.

1. **Can I appeal an AIF?**

An Army decision to conduct an AIF is not subject to an appeal*;* but employees adversely affected by AIF may appeal either an alleged wrongful application of AIF or an alleged violation of AIF procedures. An employee has been adversely affected for the purposes of appeal if the employee was separated, changed to a lower grade or furloughed for more than 30 days.

There are several forums for appeal available to DCIPS employees who have been adversely affected by AIF, depending upon the employee’s status. An employee may not appeal in more than one forum:

* + - *Army Appeals Process. All Army DCIPS employees may elect to utilize the administrative internal appeal/ grievance process.*
		- *The Merit System Protection Board* (MSPB). Preference eligible Army DCIPS employees, as defined in Section 1612(b) of title 10, or section 7511 (b)(8) of title 5, with 1 year of current or continuous service in the same or similar positions, may elect to appeal to the MSPB on matters under MSPB jurisdiction (see section 7511, title 5, United States Code).
		- *AIF Appeal Process*. All Army DCIPS employees may elect to utilize the appeals process established specifically for DCIPS AIF appeals.

**AIF Appeal Procedures**:

* Army DCIPS employees may appeal to the AIF AC. The AIF AC is composed as follows:
	+ The AIF AC shall consist of DISE/DISL level or equivalent officers designated by each Component, and appointed by the USD(I).
	+ The Director, Human Capital management Office (HCMO) or designee shall serve as chairperson for the AIF AC.
* Appeals to the AIF AC must be in writing, must specify the allegation, and must be received by the OUSD(I) Human Capital Management Office by the 30th calendar day after the effective date of the AIF action.
	+ Appeals may not be filed by an employee on behalf of any other employee(s).
	+ The AIF AC will be convened whenever the Director, HCMO is in receipt of at least one valid appeal.
	+ An Army DCIPS employee who has filed an appeal and is awaiting ruling on that appeal shall immediately notify the AIF AC if he or she accepts an offer of assignment to a position of the same grade he or she held immediately prior to the AIF in issue.
	+ Other avenues of redress, outside of the AIF appeals process, pursuant to separate laws and regulations governing prohibited personnel practices, Equal Employment Opportunity, and protections against whistleblower reprisal remain available to employees.
1. **How Will the Army and DoD Assist You In Finding Another DoD Job?**

Outplacement services may be provided to Army DCIPS employees who are separated as the result of an AIF utilizing the following programs, as applicable:

* + DoD Priority Placement Program (PPP). The Priority Placement Program provides the primary method by which employees will be afforded maximum opportunity for placement assistance in other DoD positions and locations. The PPP has been called the most effective outplacement program in the Federal service. It is an extremely effective placement assistance system established and maintained to minimize the adverse effects on employees due to such actions as drawdowns, base closures, consolidations, contracting out and classification decisions. Since its inception in 1965, this highly acclaimed placement system has received the personal support and sanction of every Secretary of Defense.
	+ Administrative Referral Assistance. Employees who have received written notification of separation as the result of AIF may, in accordance with Reference (o), seek administrative referral assistance to publicize their availability for positions within the DoD Components with DCIPS positions for which they are qualified.
	+ Severance Pay and Other Benefits. Since separation from the Army as a result of AIF is an involuntary separation, but not for reasons of misconduct, delinquency or inefficiency, employees shall be eligible for severance pay, retirement, and other benefits.
	+ Severance Pay. The Army shall pay severance pay under the authority of Section 1603 of title 10 and consistent with the provisions in Section 5595 of title 5.
	+ Retirement and Other Benefits. Standing provisions available through title 5 and OPM regulations regarding discontinued service retirement, life insurance, health insurance and other benefits are applicable for such involuntary separation.