



Department of the Army  
Volume 2004

# Defense Civilian Intelligence Personnel System Adjustment In Force

March 2012

# ***SUMMARY of CHANGE***

AP-V 2004

Defense Civilian Intelligence Personnel System (DCIPS) Adjustment in Force

This new Army Policy Volume provides Adjustment in Force policies and procedures governing civilian employees of the Defense Civilian Intelligence Personnel System

Pre-Signature

## Department of the Army DCIPS Policy

### VOLUME 2004 – Defense Civilian Intelligence Personnel System Adjustment in Force (AIF)

#### 1. Purpose

a. *Overall Policy.* Refer to Department of the Army (DA) Policy-Volume 2001 (AP-V 2001), Defense Civilian Intelligence Personnel System (DCIPS) Introduction (Reference (a)).

b. *This Volume.* In accordance with references listed in Enclosure 1, this volume establishes Army policies, responsibilities and procedures for the DCIPS AP-V Adjustment in Force(AIF) and further supplements and must be used in concert with Reference (b), and Army policy guidance on civilian personnel management. Additional supplementation is authorized except where prohibited.

#### 2. References

See Enclosure 1.

#### 3. Applicability

*This policy applies to Army civilian positions, employees or organizations as described in Reference (a) engaged in or in support of an intelligence or intelligence-related mission.*

#### 4. Definitions

See Glossary.

#### 5. Policy

*It is Army policy that the Army shall:*

a. Accomplish adjustments in force with maximum advance planning to ensure minimum disruption to mission and adverse effect on employees. The Army shall make every reasonable effort to avoid AIF (*DCIPS force shaping or reduction mechanism for releasing employees from competitive levels in order of tenure, veterans' preference, performance score and length of service*) through resource planning, job changes or retraining, voluntary early retirement authority, separation incentives and pre-AIF placement for those employees eligible for placement assistance and referral programs in accordance with applicable guidance.

b. Use established options to lessen the likelihood of adverse effects on the workforce or to avoid an AIF altogether, such as Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Pay (VSIP) programs, early Priority Placement Program (PPP) registration (where applicable), hiring freezes, voluntary placements, voluntary separations, vacancies and other techniques. Use of these options shall be consistent with specific program requirements and policies.

c. Use competitive AIF procedures when employees are faced with separation, reduction in grade, change in work category or furlough for more than 30 consecutive days, or more than 22 workdays if done on a discontinuous basis, as a result of workforce shaping.

*d. Make reasonable efforts to place employees identified for involuntary separation as a result of AIF, or ultimately involuntarily separated as a result of AIF; however, employees have no right to assignment outside of their competitive area or group to another position in the Army or any other DCIPS Component.*

**6. Responsibilities**

See Reference (a) and Enclosure 2.

**7. Procedures**

See Enclosure 3.

**8. Releasability**

Unlimited. This policy is approved for public release.

**9. Effective Date**

This policy is effective immediately.

**Enclosures**

1. References, *page 5*
2. Responsibilities, *page 7*
3. Procedures, *page 10*

**Glossary**

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ENCLOSURE 1

REFERENCES

- (a) *AP-V 2001, Defense Civilian Intelligence Personnel System Introduction, March xx, 2012*
- (b) *DoD Instruction 1400.25, Volume 2004, "DoD Civilian Personnel Management System: Defense Civilian Intelligence Personnel System (DCIPS) Adjustment in Force (AIF)," June 15, 2011*
- (c) *Public Law 101-510, "Defense Base Closure and Realignment Act of 1990," November 5, 1990, as amended*
- (d) *AR 5-10, "Stationing," August 20, 2010*
- (e) *Public Law 105-220, "Workforce Investment Act," August 7, 1998 as amended (codified in various section of titles 20 and 29 United States Code)*
- (f) Title 5, Code of Federal Regulations, Parts 351 and 353
- (g) Sections 1601-1614 of title 10, United States Code
- (h) *AP-V 2005, Defense Civilian Intelligence Personnel System Employment and Placement, March xx, 2012*
- (i) Sections 3501, 3502, 5595, 7511, 7701, and 8151, and Chapter 63 of title 5, United States Code
- (j) *AP-V 2011, Defense Civilian Intelligence Personnel System Performance Management, July 2011*
- (k) Sections 4313 and 4315 of title 38, United States Code, Part III, "Veterans Readjustment and Related Benefits"
- (l) *AP-V 2006, Defense Civilian Intelligence Personnel System Compensation Administration, March xx, 2012*
- (m) *AP-V 2014, Defense Civilian Intelligence Personnel System Employee Grievances, March xx, 2012*
- (n) *DoD Instruction 1400.25, Volume 1800, "DoD Civilian Personnel Management System: DoD Priority Placement Program (PPP)," December 1996 incorporating through Change 5, June 7, 2007 (Administratively reissued April 6, 2009*

(o) DoD Instruction 1400.25, Volume 1700, "DoD Civilian Personnel Management System: Civilian Assistance and Re-Employment (CARE) Program," March 5, 2005 (Administratively reissued April 6, 2009)

(p) AR 690-351-1, "Civilian Personnel Reduction In Force," February 7, 1992

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## ENCLOSURE 2

### RESPONSIBILITIES

*Responsibilities in this enclosure supplement and must be conducted in concert with those listed in Reference (a).*

#### **1. The Secretary of the Army**

*The Secretary of the Army will:*

- a. Implement the DoD Policy 1400.25-Volume 2004 (Reference (b)) within the DA; issue supplemental guidance as appropriate, monitor DA Programs for compliance with the provisions of this policy, and respond to reporting requirements established by the USD(I).*
- b. Delegate the authority to implement this policy within Army, as appropriate.*
- c. Approve AIF resulting in the separation of 50 or more employees and notify USD(I) of such approvals. Approval authority will be delegated to lowest practicable level when the AIF results in the involuntary separation of fewer than 50 employees or is necessitated by actions of a Base Realignment and Closure (BRAC) in accordance with References (c) and (d).*

#### **2. The Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA (M&RA))**

*The ASA M&RA will forward requests for approval of 50 or more employees for separation to Secretary of the Army.*

#### **3. The Headquarters Department of the Army, Office of the Deputy Chief of Staff, G-1, Assistant G-1 (Civilian Personnel) (AG-1(CP))**

*See Reference (a) for roles and responsibilities of the AG-1 (CP).*

#### **4. The Headquarters Department of the Army, Deputy Chief of Staff, G-2 (HQDA, DCS, G-2)**

*The HQDA, DCS, G-2 will:*

- a. Provide resources to design, develop, implement, administer and evaluate Army DCIPS policy and programs in AIF in coordination with HQDA, Assistant Deputy Chief of Staff (ADCS), G-1 (Civilian Personnel) (AG-1(CP)) and USD(I).*
- b. Consider issues and requests for exceptions to DCIPS policies or procedures pertaining to personnel administration of AIF. HQDA, DCS, G-2 will forward through AG-1 (CP) to ASA(M&RA) for final approval as required.*
- c. Forward requests for approval of 50 or more employees for separation through AG-1 (CP) to ASA (M&RA).*
- d. Ensure Commanders follow all prescribed procedures and processes in and AIF.*

**5. The Headquarters Department of the Army, Assistant Deputy Chief of Staff, G-2 (HQDA, ADCS, G-2)**

The HQDA, ADCS, G-2 will:

a. Provide executive advice and consultation to the HQDA, DCS, G-2 and direct the full spectrum of AIF programs, policies, and systems through supervision of the Director, IPMO.

b. Ensure compliance with AIF procedures and policy.

c. Perform duties as further delegated by the HQDA, DCS, G-2:

(1) Administer AIF affecting Army DCIPS personnel in accordance with the procedures listed in Enclosure 2 (Procedures).

(2) Consider AIF appeals in accordance with Enclosure 2 (DCIPS AIF Procedures) and as required by the AIF Appeals Committee as further delegated.

(3) Coordinate with the AG-1 (CP) on the development of DCIPS AIF policies and practices and monitor their effects on Army-wide personnel readiness as further delegated.

(4) Serve as the Army representative on the AIF Appeals Committee (AC).

**6. The Headquarters Department of the Army, Office of the Deputy Chief of Staff, G-2, Director, Intelligence Personnel Management Office (IPMO) (HQDA, ODCS, G-2, IPMO)**

The Director of the IPMO will

a. Provide guidance to Commands on AIF and appeals process.

b. Monitor and ensure compliance with AIF requirements as directed by this policy, laws and regulations applicable to DCIPS employees.

c. Review command approval authority requests for separation of 50 or more employees due to AIF.

**7. Commanders of the Army Commands (ACOMs), Army Service Component Commands (ASCCs), Direct Reporting Units (DRUs) and the Administrative Assistant to the Secretary of the Army (AASA)**

Commanders will:

a. Determine the need for AIF.

b. Identify and forecast AIF requirements.

c. Provide decision on selected options for reassignment of displaced personnel.

d. Conduct AIF workforce briefing.

e. Report and execute AIF actions, where permitted

f. Submit approval authority requests for AIF resulting in 50 or more employees being separated to HQDA, DCS, G-2 prior to issuing notice to employees. The request should include the reasons why AIF is necessary and the actions that have been taken to preclude AIF.

g. Provide notification of AIF:

(1) 50+ employees. Forward approval authority requests to HQDA, DCS, G-2 in writing and in advance of any proposed AIF affecting DCIPS employees.

(2) All AIF:

(a) Notify employees who are potentially affected by the planned AIF no fewer than 90 days prior to the effective date of the AIF.



*(b) 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.*

*h. Authorize reasonable duty time for employees to attend in-house career counseling sessions, workshops, Employee Assistance Service counseling and/or training, and any other activities related to career transitions in response to AIF.*

*i. Coordinate with the appropriate public affairs officer in preparing and releasing public notification documents*

*j. Provide copy of approved order of TOF to HQDA, DCS, G-2, affecting DCIPS positions.*

*k. Delegate AIF authority, as appropriate, in accordance with HQDA, G-2, Delegated Civilian Human Resources (CHR) Authorities.*

### **8. Civilian Human Resources Directors of the ACOMs, ASCCs, DRUs, and the AASA**

*Civilian HR Directors will assist Commanders in assessing the need to conduct an AIF affecting their Department's DCIPS population.*

### **9. Assistant Deputy Chief of Staff, G-1, Civilian Human Resources Agency (CHRA), Civilian Personnel Advisory Centers (CPACs)**

*CHRA, CPACs will:*

*a. Provide AIF options, notifications, assistance and advice throughout the AIF process to activity commanders, supervisors and managers.*

*b. Advise management on execution to include:*

*(1) Establishing competitive areas, competitive groups and timelines.*

*(2) Develop and amend or cancel employee notices and determine retention register, displacement and release.*

*(3) Assist management in preparing and conducting AIF briefings.*

*(4) Develop AIF plans with management.*

*c. Provide employee assistance; counsel/advise throughout the AIF process.*

### **10. The Judge Advocate General (JAG)**

*The JAG will provide legal advice to the Army staff on AIF actions as necessary.*

### **11. General Counsel (GC)**

*The GC will provide legal advice to the Army Secretariat on AIF as necessary.*

## ENCLOSURE 3

### PROCEDURES

#### **1. Competitive Areas and 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.*

*a. Competitive Area. A competitive area may be established based on one of more of the following: geographical location; lines of business; organizational unit; and funding lines. DoD components will not assign an employee to more than one competitive area at one time.*

*b. 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.*

*c. Official Position of Record. 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.*

*d. Competing Employees. 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 (see paragraph. 3.e.(1)).*

#### **2. Approvals and Notification**

*a. Approval. AIF procedures will differ depending on the number of affected Army DCIPS employees.*

*(1) 49 or less employees. When the AIF will result in the involuntary separation of fewer than 50 employees or is necessitated by actions of a Base Realignment and Closure (BRAC), approval authority will be delegated to lowest practicable level.*

*(2) 50 or more employees. When the AIF will result in the separation of 50 or more employees, the Secretary of the Army must approve the AIF and notify USD(I) of such approval. In requesting approval authority for AIF which lead to the separation of 50 or more employees Commanders of ACOMs, ASCCs, DRUs and the AASA shall forward approval authority requests to HQDA, DCS, G-2 in writing and in advance of any*

*proposed AIF affecting DCIPS employees. HQDA, DCS, G-2 shall forward the request through AG-1 (CP) to ASA(M&RA) to OUSD(I) and USD (P&R) in writing and in advance of any proposed AIF affecting Army DCIPS employees. The approval authority request shall identify the organization, the number of Army DCIPS employees affected and the reason for conducting the AIF.*

*b. Notifications.*

(1) *General. 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.*

(2) *Individual Army DCIPS Employee Notification. Commanders of ACOMs, ASCCs, DRUs and the AASA 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.*

(3) *At a minimum, AIF notification shall contain the following:*

(a) *The action to be taken, the reason for the action, and its effective date*

(b) *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*

(c) *The place where the employee may inspect the regulations and records pertinent to the case*

(d) *In cases of exceptions to the order of release, the reason for retaining a lower standing employee in the same competitive group;*

(e) *Information on reemployment rights*

(f) *The employee's benefits, entitlements and appeal rights, including the time limits for appeal and the address of the AIF AC.*

(g) *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. See Reference (e).*

(h) *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.*

(4) *New, Amended or Cancelled Notice Required. An employee is entitled to a new written notice of at least 60 days if a decision results in an action more severe than the original action.*

(5) *Status During Notice Period. The employee shall remain in normal duty status during the notice period. However, if an emergency exists and there is a lack of work or funds for all or part of the notice period, the employee may be placed on annual leave or leave without pay with or without his or her consent, consistent with Title 5, Code of Federal Regulations, Section 351.806 (Reference (f)). The reasons supporting the decision must be fully documented.*

(6) *Prohibited Notice Period. AIF termination notices shall not be issued or made effective between December 15 and January 3. If specific situations absolutely preclude delay, Commanders of ACOMs, ASCCs, DRUs and the AASA may request exceptions through HQDA, DCS, G-2 through AG-1(CP) to ASA(M&RA) to the USD(I)*

and DUSD(P&R). Exceptions shall be limited and approved only when adverse effect on employees will be significantly increased if the exceptions are not granted.

### 3. Retention

*a. Retention Standing.* Employees occupying positions in the same competitive group compete for positions in AIF based on their 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.

*b. 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.

*c. Right of Assignment.* Through AIF, Army DCIPS employees have the right to displace other Army DCIPS employees with lower retention standing in the assigned competitive group or competitive area, but have no right of assignment beyond their competitive group or competitive area during an AIF.

*d. Right of Appeal.* Army DCIPS employees have the right to appeal AIF determinations in accordance with Paragraph 8 of this Enclosure.

*e. 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 (Reference (g)) and specified below.

(1) *Tenure.* For the purposes of this Volume, Tenure Groups 1 and 2, as defined in Reference (h) of this policy, are combined into Tenure Group I. The resulting Tenure Group 1 employees and Tenure Group 3 employees are competing employees for AIF, as defined below.

(a) Tenure Group 1 includes all permanent employees including those serving in a trial period. Trial period employees are included in Tenure Group I in order to provide high performing, but recently hired, employees retention opportunity under AIF proceedings.

(b) Tenure Group 3 includes all employees on non-permanent appointments of any kind that are more than one year in duration or result in continuous employment for more than one year.

(c) Employees serving on temporary appointments of one year or less have no tenure and do not compete in the AIF. Decisions to release temporary employees are at the Commander's discretion.

(d) Tenure Groups I and III employees identified in the competitive group are placed on the retention register according to their position of record, including those who are on a temporary assignment to a position outside the competitive group.

(2) *Veterans Preference.* Veterans preference shall apply in AIF actions, in accordance with Section 1610 of title 10 (Reference (g)). Application of veterans preference to disabled and retired veterans in AIF actions shall be consistent with Sections 3501(a)(3) and Section 3502 (b) of title 5 (Reference (i)).

(a) *Veterans With Service Connected Disabilities.* A preference-eligible employee who has a compensable service-connected disability of 30 percent or more and whose performance has not been rated unacceptable is entitled to be retained in preference to other preference eligible employees.

(b) *Veterans' Preference for Retired Members of the Armed Forces.* A retired member of the Armed Forces is a veteran for AIF purposes only if the employee meets one of the following three conditions:

1. The Armed Forces retirement (without regard to benefits from the Department of Veterans Affairs) is directly based upon a combat-incurred disability or injury; or
2. The Armed Forces retirement is based upon less than 20 years of active duty; or
3. The employee has been working for the Government since November 30, 1964, without a break in service of more than 30 days.

(c) *Application of Veterans' Preference in Determining Retention Standing.* The two Tenure Groups shall be divided into three subgroups based upon employees' entitlement to veterans' preference for AIF purposes:

1. Subgroup A - Includes veterans who are eligible for AIF preference and who have a compensable service-connected disability of 30 percent or more;
2. Subgroup B - Includes veterans eligible for AIF preference who are not eligible for Subgroup A (including eligible spouses, widowers or widowers, and mothers of veterans);
3. Subgroup C - Includes nonveterans and others not eligible for AIF preference in Subgroups A and B.

(3) *Performance.* After placing employees on the retention register by Tenure Group and veterans' preference, employees shall be listed in descending order based on their performance scores as defined in this section, including DCIPS evaluations of record and converted ratings.

(a) *Computing the Performance Score.* Army DCIPS employee's DCIPS evaluation of record shall be used as his or her performance evaluation. This is the evaluation of record produced by evaluation of performance against performance objectives and performance elements in accordance with the procedures of Reference (j). An employee's performance score for AIF purposes is the average of the employee's three most recent DCIPS overall ratings received during the four-year period prior to the established cut-off date for receipt of performance ratings. *These ratings are received from either traditional DCIPS evaluations of record, or from a converted evaluation of record based on the conversion guidance below during the four-year period prior.* These ratings shall be averaged to the first decimal point using standard rounding procedures. For example, an employee whose three most recent overall DCIPS ratings are 3, 3, and 4 would have a performance score for AIF of 3.3. Computations shall include only performance scores provided to the employee more than 90 days in advance of the effective date of the AIF.

(b) *Creditable Ratings.* To be creditable, a performance evaluation need not have been signed by the employee, but must have been issued to the Army DCIPS employee with all appropriate supervisory reviews and rater and reviewer signatures accomplished, and must be available for use by the office responsible for establishing retention lists at least 90 days in advance of the effective date of the AIF. Except for cases of mass conversions and new hires, as described below, only annual and special purpose DCIPS ratings shall be used, as described in Reference (j), when determining performance scores.

(c) *Mass Conversion into DCIPS -- "Successful" Ratings.* Army DCIPS employees who convert into DCIPS with their organization, and have a non-DCIPS evaluation of

record determined by CHRA to be equivalent to the DCIPS rating of “Successful” on file at the time of conversion, shall be assigned an overall DCIPS evaluation of record of 3 (Successful).

(d) *Mass Conversion into DCIPS -- “Excellent” and “Outstanding” Ratings.* Army DCIPS employees who convert into DCIPS with their organization, and have a non-DCIPS evaluation of record determined by the servicing CPAC to be equivalent to the DCIPS ratings of “Excellent” or “Outstanding” on file at the time of conversion, shall be assigned an overall DCIPS evaluation of record of 4 or 5.

(e) *Mass Conversion into DCIPS – “Minimally Successful” Ratings.* Army DCIPS employees who convert into DCIPS with their organization and have a non-DCIPS rating of minimally successful or equivalent shall be assigned an overall DCIPS evaluation of 2 (Minimally Successful).

(f) *Mass Conversion into DCIPS -- “Unacceptable” Ratings.* Army DCIPS employees who convert into DCIPS with their organization and have a non-DCIPS rating below satisfactory shall be assigned an overall DCIPS evaluation of 1 (“Unacceptable”).

(g) *Individual Movement into DCIPS.* Employees who occupy DCIPS positions through other than a mass organizational conversion and who have not yet received a DCIPS rating, such as a new hire from another Federal agency, an employee whose position is converted to DCIPS not as part as an organizational conversion, or a new employee whose first Federal appointment is to a DCIPS position, shall be assigned a DCIPS evaluation of record of 3 (“Successful”).

1. *Missing ratings.* In circumstances where employees have no evaluation of record within the most recent four-year period prior to the established cut-off date for receipt of performance ratings, the employee shall be assigned a DCIPS evaluation of record of 3 (“Successful”).

2. *Using Converted Ratings in Computing Performance Score.* Converted ratings shall continue to be used when computing the DCIPS performance score until the employee has three official DCIPS ratings of record.

(4) *Creditable Service.* Creditable service is the final consideration when placing an employee on a retention register. As required by Section 1610 of title 10 (Reference (g)), length of service will be computed in accordance with Section 3502(a) of title 5 (Reference (i)).

(5) *Additional Tie-Breaking Procedures.*

(a) Additional tie breakers are authorized so long as these measures are announced to the work force in advance of an AIF.

(b) A pre-determined tie-break mechanism may be used when two or more employees in the same tenure group, performance score, and veterans’ preference subgroup have identical Service Computation Dates (SCDs) and at least one, but not all, of the employees must be released from the competitive group.

(6) *Active Armed Forces Members.* Army DCIPS employees who are Reservists or members of the National Guard on active duty in the Armed Forces and who have restoration rights will not be listed on the retention register. Information must be in the record to identify these employees and the reason they are not included on the retention register as competing employees for AIF.

(7) *Employees with Performance and/or Conduct Problems*

(a) *Removal.* An Army DCIPS employee does not compete for retention if, prior to the effective date of the AIF, he or she has received a final written decision of removal for performance or conduct-based reasons.

(b) *Reduction in Grade.* An Army DCIPS employee who, prior to the effective date of the AIF, has received a final written decision for reduction in grade because of performance or for conduct reasons, is placed on the retention register for the position to which the employee will be reduced in grade. The employee competes in AIF based on the new position.

#### **4. Displacement and Release**

*a. Displacement.* 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.

*b. Qualifications.* An Army DCIPS employee must be

(1) Qualified for the lower standing employee's position and must meet the designated standards and requirements, including minimum educational requirements, for the position

(2) Physically qualified, with reasonable accommodation where appropriate, to perform the duties of the position

(3) Able to satisfactorily perform the duties of the position without undue interruption.

*c. Physical Qualifications.* An Army DCIPS employee on a leave of absence because of a compensable injury may not be denied an assignment right solely because the employee is not physically qualified for the duties of the position if the physical disqualification resulted from the compensable injury. In this case, the employee must be afforded appropriate assignment rights subject to recovery as provided by Section 8151 of title 5 (Reference (i)).

*d. Preference Eligible Physical Qualifications.* If a competing Army DCIPS employee from Subgroup A in Paragraph 3e(2)(c)1, above (i.e., a preference eligible veteran with a compensable service connected disability of 30 percent or more) is not able to fulfill the physical requirements of a position to which the employee would otherwise have been assigned, both the employee and OPM shall be notified of the reasons for determination at the same time. The Army DCIPS employee shall be notified that he or she has the right to respond directly to OPM within 15 days of the notification. OPM shall make the final determination concerning the physical ability of the employee to perform the duties of the position. When OPM has completed its review it must send the findings to both the Army and the employee. Compliance with OPM's findings is mandatory.

*e. Order of Displacement and Release.*

(1) 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.

(2) All employees in Tenure Group III shall be released before any employee in Tenure Group I is released.

(3) 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.

*f. Employees on Temporary Assignments.* An employee shall always compete for retention from his or her permanent position of record. Employees on temporary assignments away from their permanent positions are members of a competitive group and competitive area and still compete within the competitive group or area on the basis of their permanent position of record. Employees on temporary assignments into a competitive group or area undergoing an AIF and whose permanent position of record is not within the competitive group or area, will not be considered for AIF. At commanders' discretion, they may complete the temporary assignment or return to their permanent position in the organization to which they are permanently assigned. Temporary assignments to competitive groups or areas undergoing AIF may be permitted to carry through to completion but may not be extended.

*g. Exceptions to Order of Release.* Commanders may give an Army DCIPS employee a temporary postponement of release from a retention list under options below, as appropriate. The reasons for the exception and the date the employee's retention will end must be on the retention list with the employee's name.

*(1) Mandatory Exceptions*

*(a) Armed Forces Restoration Rights.* A Tenure Group I employee entitled under Section 4313 or 4315 of title 38 (Reference (k)) to retention after restoration shall be given retention priority over other employees in the same Subgroup, regardless of performance rating or length of service, and may not be separated or demoted, except for cause, for a designated period of time, as specified in title 5 Code of Federal Regulations, part 353.209 (Reference (f)) and as listed below.

1. *If the period of uniformed service was more than 180 days, the employee may not be separated by AIF for 1 year after their return; and*

2. *If the period of uniformed service was more than 30 days but less than 181 days, the employee may not be separated by AIF for 6 months after their return..*

*(b) Use of Annual Leave to Reach Eligibility for Retirement or Continuance of Health Benefits.* Commanders shall make a temporary exception to retain an Army DCIPS employee who is being involuntarily separated under AIF procedures and who elects to use annual leave to remain on the rolls after the effective date the employee would otherwise have been separated, in order to establish initial eligibility for immediate retirement under Section 8336, 8412, or 8414 of title 5 (Reference (i)), and/or to establish initial eligibility under Section 8905 of title 5 (Reference (i)) to continue health benefits coverage into retirement.

1. Commanders may not retain employees beyond the date they first become eligible for immediate retirement or continuation of health benefits, unless it is necessary in order to satisfy both retirement and health benefits requirements. Annual leave considered must be accrued by the employee and may not be advanced.

*(2) Continuing Exceptions.* Commanders may retain an Army DCIPS employee who would otherwise be released, provided the employee is performing duties that cannot be taken over within 90 days by an employee with higher retention standing



without undue interruption to the mission. *However, when an approval for an exception of more than 30 days occurs, the Commander must notify in writing each higher standing employee in the same competitive level reached for release of the reasons for the exception and the date the lower standing employee's retention will end.*

(a) *For the continuing exception beyond 90 days, commanders, (O6 or above, or equivalent) must route approval requests through their chain of command to HQDA, DCS, G-2.*

(b) *Approval request must include the following elements: required skills of the employee and an explanation why an employee with higher retention standing cannot take the position without undue interruption to the command's mission.*

(c) Upon approval, the Commanders shall notify in writing each higher-standing employee reached for release from the same competitive group or area of the reasons for the exception.

(3) *Temporary Exceptions.* Unless otherwise specified, the following temporary exceptions shall be limited to 90 days. The AIF notice of each higher standing Army DCIPS employee on the retention list reached for release from the list must include the reasons for the exception and the date the lower standing employee's retention will end. Temporary exceptions may be provided:

(a) To satisfy a Government obligation to the retained Army DCIPS employee (e.g., to allow an employee who is entitled to a new written notice to have the required full 60 days when the AIF effective date is less than that);

(b) To extend an Army DCIPS employee's separation date beyond the effective date of the AIF when the temporary retention of a lower standing employee does not adversely affect the right of any higher standing employee who is released ahead of the lower standing employee; or

(c) To retain on sick leave a lower standing Army DCIPS employee covered by Chapter 63 of title 5 (Reference (i)) or other applicable leave system for Federal employees, who is on approved sick leave on the effective date of the AIF, for a period not to exceed the date the employee's sick leave is exhausted.

(4) *Liquidation Exceptions.* In addition to exceptions described above, an exception to release order based on retention standing may be made when all positions in the competitive area are abolished. This means Army DCIPS employees may be released without regard to performance or creditable service time. However, employees must be released in Subgroup order with Tenure Group I Subgroup C employees released before Tenure Group I Subgroup B employees, and Tenure Group I Subgroup B employees released before Tenure Group I Subgroup A employees. This exception may be applied within one year of the date of liquidation.

## **5. Position Offers**

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 not more than three grades below the employee's present position. Offers may be made to preference eligible employees with a compensable service disability of 30 percent or more not more than five grades below their present position. The position offered may be a position in a developmental

program. Grade and pay retention provisions of the DoD and Army regulations as applicable per with Reference (I) and other references in Enclosure 1.

a. 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 Paragraph 5b, below, 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.

b. 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.

c. Vacant positions may be offered to those Army DCIPS employees being displaced through AIF, to mitigate the disruption and impact of AIF. Offers of vacancies satisfy an employee's AIF assignment rights if they are within the competitive area and otherwise meet the requirements of a position offer *described in this paragraph*. Management may waive or modify specific qualifications when offering an employee a vacant position, provided the employee meets minimum education requirements and has a performance record that demonstrates the skills and abilities to satisfactorily perform the duties of the position. If vacancies are used in AIF, the following procedures shall apply.

(1) *Offers of Vacant Positions Within the Competitive Group*. Commanders will first offer vacancies within the Army DCIPS employee's assigned competitive group. A vacancy offer must be based on relative retention standing, with the employee who has the highest retention standing and who is qualified being offered the vacancy before any other employee.

(2) *Offers of Vacant Positions Outside the Competitive Group*. Commanders may offer vacancies outside the competitive group, but still within the competitive area, to Army DCIPS employees who would otherwise be separated because they have been released from the retention list. Offers of vacant positions outside the competitive group, but still within the competitive area, must be based on retention standing.

## **6. Furloughs**

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. *Furloughs will be conducted based on 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.

## 7. Transfer of Function

a. 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.

b. 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.

c. Commanders shall use the displacement and release procedures of this policy 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. This policy's displacement and release procedures shall be applied by:

(1) The losing competitive area, in deciding whether a competing employee has a right to transfer (i.e., if the employee will be separated or demoted if he or she does not transfer);

(2) The losing competitive area, in the selection of volunteers for the transfer when the number of volunteers exceeds the number of positions required to perform the function in the gaining competitive area; and

(3) The gaining competitive area, in establishing of the retention rights of the combined population of employees transferring into and employees originally in the gaining competitive area.

## 8. Appeals

a. 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.

b. 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.

(1) *Army Appeals Process.* All Army DCIPS employees may elect to utilize the administrative internal appeal/ grievance process set forth in Reference (m).

(2) *The Merit System Protection Board (MSPB).* Preference eligible Army DCIPS employees, as defined in Section 1612(b) of title 10 (Reference (g)), or section 7511 (b)(8) of title 5 (Reference (i)), 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).

(3) *AIF Appeal Process.* All Army DCIPS employees may elect to utilize the appeals process established specifically for DCIPS AIF appeals. This process is described in paragraph c. below.

c. AIF Appeal Procedures

(1) Army DCIPS employees may appeal to the AIF AC. The AIF AC is composed as follows:

(a) The AIF AC shall consist of DISE/DISL level or equivalent officers designated by each Component, and appointed by the USD(I).

(b) The Director, Human Capital management Office (HCMO) or designee shall serve as chairperson for the AIF AC.

(2) 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 30<sup>th</sup> calendar day after the effective date of the AIF action.

(3) Appeals may not be filed by an employee on behalf of any other employee(s).

(4) The AIF AC will be convened whenever the Director, HCMO is in receipt of at least one valid appeal.

(5) 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.

(6) 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.

## **9. Outplacement Assistance**

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

*a. DoD Priority Placement Program (PPP).* PPP is a mandatory placement program implemented through the Automated Referral and Stopper system (ASARS) to match well-qualified employees, who are facing dislocation or separation, with vacant positions elsewhere in the Department. Registration eligibility is primarily based on the individual being displaced through RIF and AIF, transfer of function or declination of management-directed reassignment outside the employee's immediate commuting area. Procedures described in Reference (n) will be followed for PPP.

*b. 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.

*c. 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.

(1) *Severance Pay.* The Army shall pay severance pay under the authority of Section 1603 of title 10 (Reference (g)) and consistent with the provisions in Section 5595 of title 5 (Reference (i)).

(2) *Retirement and Other Benefits.* Benefits and entitlements available through sections 8336, 8412, and 8414 of title 5 and OPM regulations regarding discontinued service retirement, life insurance, health insurance and other benefits are applicable for such involuntary separation.

## 10. Records

a. Complete and accurate records relating to an AIF shall be maintained for at least one year after the final action has been effected. At a minimum, this includes the personnel records used to determine order of retention, completed retention lists with the names of displaced and released employees, retention factors as applied to each employee on the retention list(s), determination of employees' assignment rights, composition of the competitive area and competitive group, and decisions regarding use of vacancies and exceptions to order of release (including the reason and end dates for the exception).

b. An Army DCIPS employee who has received a specific AIF notice has the right to review any completed records used in an AIF action that was taken, or will be taken, against the employee. An employee who has not received an AIF notice has no right to review the retention list and related records.

Pre-Signature

## GLOSSARY

### DEFINITIONS

#### **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 Reference (p) or Title 5 references to Reduction In Force (RIF).

#### **AIF Appeals Committee (AIF AC)**

A DoD appellate body established by the USD(I) for adjudicating AIF appeals within the DoD Components with DCIPS positions, except for appeals from OUSD(I) employees and appeals to the Merit Systems Protection Board (MSPB).

#### **AIF Appeal**

The administrative action available to employees separated, furloughed for more than 30 consecutive calendar days or more than 22 work days, or changed to lower grade.

#### **Competitive Area**

The career group, line(s) of business, product line(s), organizational units, funding line(s), geographic areas, trainee status, or a combination of these elements, in which DCIPS employees compete for retention in AIF actions.

#### **Competitive Group**

All positions in the AIF competitive area identified by 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.

#### **Competing Employee**

An employee in Tenure Group I or III.

#### **Demotion**

A change to a lower grade. Also referred to as a Reduction to Lower Grade.

#### **Evaluation of Record**

*See definition in glossary of Reference (j).*

#### **Furlough**

The temporary release of an employee and placement in non-duty, non-pay status because of lack of work or shortage of funds. AIF procedures must be followed when the furlough is for more than 30 consecutive days or more than 22 workdays if done on a discontinuous basis, but not more than one year.

**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.

**Position of Record**

An employee's official position (defined by grade, occupational series, employing agency, and any other condition that determines coverage under a pay schedule (other than official worksite)), as documented on the employee's most recent Notification of Personnel Action (Standard Form 50 or equivalent) and current position description. A position to which an employee is temporarily detailed is not documented as a position of record. For an employee whose change in official position is followed within 3 workdays by a reduction in force resulting in the employee's separation before he or she is required to report to duty in the new position, the position of record in effect immediately before the position change is deemed to remain the position of record through the date of separation.

**Preference Eligible Employee**

Employees eligible for Veterans preference. By law, veterans who are disabled or who served on active duty in the Armed Forces during certain specified time periods or in military campaigns are entitled to preference over others in hiring from competitive lists of eligibles and also in retention during adjustments/reductions in force.

**Priority Placement Program (PPP)**

The primary means for implementing DoD policy to minimize the adverse effects on employees caused by actions such as, but not limited to, AIF, reductions-in-force, base closures, realignments, consolidations, contracting out, position classification decisions, rotation from overseas, and transfers of function. The PPP consists of several subprograms with the primary purpose of placing DoD employees who have been adversely affected through no fault of their own.

**Reduction to Lower Grade**

A change to a lower grade. Also referred to as a Demotion.

**Retention Standing**

Retention standing is the relative right of an employee to be retained in a position when similar positions are being abolished and employees in them are being reassigned, demoted, separated or furloughed. Retention standing also determines in what order position offers are made once employees have been released from their competitive levels under reduction-in-force (RIF) procedures. An employee's retention standing is based on the following factors: Tenure, Veterans preference (used to determine subgroup standing), Length of service and Performance.

**Retention Register**

*A listing of employees within a competitive area and are placed in the same competitive group. It serves as the primary source document in conducting an AIF and is broken down by competitive level, tenure group, tenure subgroup (veterans preference), and adjusted service computation date, which includes additional credit given for the last three annual performance ratings received during the 4 year period prior to the date of issuance of AIF notices or the end of the cut-off period.*

**Transfer of Function (TOF)**

The cessation of the performance of a function in one competitive area and its addition to one or more other competitive areas, or the movement of the competitive area in which the function is performed to another commuting area. In a transfer of function, the function ceases in the losing competitive area and continues in identical form in the gaining area.

**Undue Interruption**

A degree of interruption that would prevent the completion of required work within a reasonable period (e.g., 90 days) after the employee has been placed in a different position.

Pre-Signature