

3 FAM 2540

REDUCTION-IN-FORCE (RIF) PROCEDURES FOR THE SENIOR EXECUTIVE SERVICE (SES)

(CT:PER-678; 06-22-2012)
(Office of Origin: HR/CSHRM)

3 FAM 2541 GENERAL PROVISIONS

3 FAM 2541.1 Authority

(CT:PER-574; 09-28-2005)
(State Only)
(Applies to SES Employees Only)

- 5 U.S.C. 3595 and 5 CFR 359, Subpart F
- 5 CFR 430 Subpart C

3 FAM 2541.2 Policy

(CT:PER-574; 09-28-2005)
(State Only)
(Applies to SES Employees Only)

It is the policy of the Department to effect necessary reductions in personnel with a minimum of disruption to mission accomplishment and employee dislocation.

3 FAM 2541.3 Coverage

(CT:PER-574; 09-28-2005)
(State Only)
(Applies to SES Employees Only)

This subchapter covers all Department career employees of the Senior Executive Service.

3 FAM 2541.4 Competitive Areas

(CT:PER-574; 09-28-2005)

(State Only)

(Applies to SES Employees Only)

Competitive areas for SES, RIF purposes are defined as follows:

- (1) Washington, DC commuting area (excluding OIG);
- (2) Charleston, SC commuting area;
- (3) Melbourne, FL commuting area;
- (4) New York, NY commuting area; and
- (5) The Office of the Inspector General.

3 FAM 2542 ESTABLISHMENT OF RETENTION REGISTERS

3 FAM 2542.1 Approval

(CT:PER-574; 09-28-2005)

(State Only)

(Applies to SES Employees Only)

The Executive Resources Board must approve a proposed Reduction-in-Force (RIF) action prior to the establishment of a retention register.

3 FAM 2542.2 Establishing a Retention Register

(CT:PER-574; 09-28-2005)

(State Only)

(Applies to SES Employees Only)

- a. Separate retention registers are established for each competitive area defined in 3 FAM 2541.4 above. Each register includes all SES incumbents within that particular competitive area.
- b. An executive's personal standing on the retention register is determined by the most current, final annual performance appraisal and performance award record as follows:
 - (1) Current SES appraisal of Outstanding equals 20 points;
 - (2) Current SES appraisal of Exceeds Expectations equals 16 points;
 - (3) Current SES appraisal of Fully Successful equals 12 points;
 - (4) Current SES appraisal of Minimally Successful equals 4 points;

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- (5) Current SES appraisal of Unsuccessful equals 0 points;
- (6) No current SES appraisal equals 6 points;
- (7) Recipients of the Presidential rank of Distinguished Executive in the last three calendar years receive ten additional points;
- (8) Recipients of the Presidential rank of Meritorious Executive in the last three calendar years receive eight additional points; and
- (9) Recipients of an SES performance bonus resulting from the most recent appraisal cycle will receive five additional points.

3 FAM 2542.3 Retention of Records

(CT:PER-643; 06-23-2011)

(State Only)

(Applies to SES Employees Only)

All records used to establish an executive's standing on the retention register will be maintained in the Office of Civil Service Human Resource Management (HR/CSHRM) for three years following the effective date of the reduction-in-force.

3 FAM 2543 COMPETITION FOR JOB RETENTION

3 FAM 2543.1 Order of Displacement

(CT:PER-574; 09-28-2005)

(State Only)

(Applies to SES Employees Only)

- a. When a position is abolished, the incumbent of that position displaces the lowest ranking person on the retention register for whose position the employee meets qualifications requirements.
- b. An appointee who has completed the SES probationary period (a post-probationer) must be retained over an appointee who has not completed the probationary period (a probationer) if they both have the same retention standing.
- c. In the event of a tie for the lowest ranking on the retention register, the individual with the least amount of service in the career Senior Executive Service will be displaced.

3 FAM 2543.2 Placement Rights in the Senior Executive Service (SES)

(CT:PER-574; 09-28-2005)

(State Only)

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(Applies to SES Employees Only)

- a. A post-probationer appointee identified for separation from the Senior Executive Service because of reduction-in-force is entitled to be assigned to a vacant Senior Executive Service position in the Department for which she/he is qualified. If there is more than one vacancy, the Director General of the Foreign Service and Director of Human Resources will decide which position to offer. Written notice of fifteen calendar days must be given to the executive if the reassignment is inside his/her commuting area. Written notice of sixty calendar days must be given to the executive if the reassignment is outside the commuting area.
- b. If an executive fails to accept a directed reassignment to satisfy RIF placement rights, the Department may initiate an adverse action removal under 5 CFR Part 752, Subpart F.
- c. If there is no vacant SES position within the Department to which the post-probationer can be reassigned, the executive is entitled to placement assistance by the Office of Personnel Management (OPM) in accordance with 5 CFR 359.603. If the executive declines a reasonable offer of placement from OPM, OPM's placement efforts will cease and the executive may be removed under RIF procedures.

3 FAM 2543.3 Placement Rights Outside the SES

(CT:PER-574; 09-28-2005)

(State Only)

(Applies to SES Employees Only)

Post-probationer appointees who entered the SES from career, career-conditional, or equivalent tenured civil service positions are guaranteed placement in a continuing civil service position in accordance with the provisions of 5 CFR 359 Subpart G – 359.702, paragraph b. The placement of any career SES appointee may not be made to a position that would cause the separation or reduction in grade of any other employee (see 5 U.S.C. 3594(c)(1)(C)).

3 FAM 2543.4 Notice

(CT:PER-574; 09-28-2005)

(State Only)

(Applies to Civil Service Employees Only)

A career appointee who is subject to removal from the SES because of RIF and who cannot be placed in another SES position at the Department will be given written notice in accordance with 5 CFR 359.605.

3 FAM 2543.5 Separation Entitlements

(CT:PER-574; 09-28-2005)

(State Only)

(Applies to Civil Service Employees Only)

Career executives who are involuntarily separated due to RIF may be entitled to discontinued service retirement or severance pay, provided eligibility requirements for those programs are met.

3 FAM 2543.6 Appeal Rights

(CT:PER-574; 09-28-2005)

(State Only)

(Applies to Civil Service Employees Only)

A career appointee is entitled to appeal to the Merit Systems Protection Board under 5 U.S.C. 7701. Appeals must be filed during the 30-day period beginning with the day after the effective date of the action being appealed.

3 FAM 2544 THROUGH 2549 UNASSIGNED