
Please see below.

ARTICLE 47

Reduction in Force or Transfer of Function

Section 1 – General

- A. The Department will adhere to all applicable Government wide rules and regulations as well as DPR 351 (May 9, 2006) and 330 (May 9, 2006) and the provisions of this Article in the administration of reduction in force or transfer of function.
- B. This Article governs: (1) transfer of function, and (2) the separation, demotion, reassignment requiring displacement of another employee, or furlough for more than 30 calendar days of bargaining unit employee(s) by reduction in force from their respective levels.
- C. The parties agree that RIFs will be handled in accordance with 5 CFR Part 351. The determination of competitive areas will be made in accordance with 5 CFR 351.402. This Article concerns the impact and implementation of the Government-wide regulations on reduction in force (RIF), which may occur during the life of the Agreement, with respect to employees in the NCFLL bargaining unit.
- D. Administrative assignment rights for excepted employees will, with respect to positions in the Excepted Service, be administered in accordance with 5 CFR 351.705(a)(3).

Section 2 – Notification

- A. Preliminary Notification to NCFLL of Reduction in Force or Transfer of Function
 - 1. When it is anticipated that transfer of function or reduction in force affecting bargaining unit employee(s) will be necessary, the NCFLL will be given preliminary notification in writing. This notification will be at least 120 calendar days in advance

of the anticipated implementation date, unless circumstances dictate otherwise, and will include the following information:

- a. The reason for the reduction in force or transfer of function;
 - b. The approximate number of employees who may be affected initially;
 - c. The competitive areas and levels that may be involved initially in a reduction in force; and
 - d. The anticipated effective date that action will be taken.
2. At the time the NCFLL receives its preliminary notification of an anticipated RIF, the Department will provide the NCFLL with a list of all employees covered by the notice whose current annual ratings of record are overdue.

B. Notice to Employees

1. Affected employees shall be given a written notice no later than 60 calendar days prior to the date of the implementation of a reduction in force or transfer of function, unless circumstances dictate otherwise. When a reduction in force is caused by circumstances not reasonably foreseeable, the Office of Personnel Management (OPM), at the request of the Department, may authorize a notice period of less than sixty days but at least thirty full calendar days before the effective date of release.
2. When a general reduction-in-force notice is used, it will be supplemented by a specific notice. The Department will not release an employee from his or her competitive level until at least 15 calendar days after the employee's receipt of the specific notice.
3. The notice period begins the day after the employee receives the notice.

Section 3 - Retention Registers

- A. The NCFLL Executive Council will be provided a copy of the annotated retention register(s), to be used to issue the specific notices, at least two work days before the issuance of the initial specific Notices. The NCFLL Executive Council will keep all

Retention Registers secure and confidential in accordance with 5 CFR 293, Personnel Records and DPR 351. Amended or revised retention registers will be provided to the NCFLL as soon as possible.

- B. The retention register will include: the employee's tenure group, competitive level, and original service computation credit date; the ratings of record used to compute credit for performance; the amount of credit for performance; and the adjusted service computation date.
- C. Employees' performance ratings of record due before the issuance due date of specific RIF notices will be submitted to the servicing Human Resources Office in sufficient time for retention standing to be determined. The due date would ordinarily be no more than 15 calendar days prior to the issuance date of specific notices.
- D. When employees affected by RIF are in the same competitive level with the same length of service, as augmented by performance credit, and the same subgroup, ties will be broken in the following order: (a) total DOL service; then, if necessary, (b) by length of service in the DOL Agency; and then, (c) by time at the current grade level.

Section 4 - Department of Labor Employee Placement Assistance

- A. It is the policy of the Department, to assist employees who are adversely affected as the result of government-wide or DOL management initiatives, with career transition services and, to the extent practicable consideration and selection priority for position within the Department for which they qualify. Priority is given only to affected employees and is intended to maximize their opportunities to find other employment. To the extent feasible, the Department will retrain eligible employees for other occupations. Within budget constraints, the Department will provide the following programs and services for all DOL employees who will or might become "surplus" or "displaced" because of management initiatives, such as delayering, reorganization, competitive sourcing, transfer of function, or other workforce restructuring. Place assistance for either Reduction in Force or Transfer of Function will be governed by 5 CFR 330, Subpart F, and DOL DPR 330.

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- B. Within budget constraints, the Department will provide the following programs and services for all DOL employees who will or might become “displaced” because of management initiatives, such as delayering, reorganization, competitive sourcing, transfer of function or other workforce restructuring.
1. Career transition services;
 2. Priority Consideration;
 3. Special selection priority for eligible employees as defined in 5 CFR Part 330, Subpart F (Agency Career Transition Assistance Plans);
 4. Reemployment priority for eligible employees who receive a notice of separation or certificate of expected separation under 5 CFR 351;
 5. Special Selection Priority for positions in Agencies outside of DOL when the employee is separated or proposed to be separated and meets the eligibility requirements under 5 CFR, Subpart g, Interagency Career Transition Assistance Plan for Displaced Employees.

C. Career Transition Services Within DOL

1. Eligible employees may be allowed excused absence for reasonable periods of time to use services and facilities subject to supervisory approval and dependent on the needs of the workload and the office in accordance with DPR 630.
2. The Department offers career transition services for DOL employees. These services assist employees in determining the context of the employee’s work and career objectives and help him/her set realistic career goals.
3. Employees with disabilities may request reasonable accommodation to access career transition services from headquarters or field offices as well as remote sites in accordance with DLMS-4, chapter 306, Reasonable Accommodations for Employees and Applicants with Disabilities and as set forth in DPR 330.

Section 5 - Repromotion List

- A. Career, career-conditional, and excepted employees not serving under time-limited appointment, will be entered on the Repro-

motion List and given consideration for repromotion when a vacancy occurs which will be filled by merit staffing competitive procedures or an excepted vacancy occurs that will be advertised internally. The employee must be qualified for the vacancy and it must be in the competitive area where the demotion occurred and at the employee's former or an intervening grade.

- B. Eligibility for referral begins on the effective date of the down grade or when the employee's entitlement under the Displaced Employee Program ceases. It extends for a period not to exceed two years, or until the employee has reached his/her former or retained grade, whichever occurs first, unless the employee declines a reasonable offer of a position.

Section 6 - RIF Contract Coverage

During the term of the Contract, all RIFs will be conducted in accordance with this Contract and government-wide regulations. Nothing will waive the right of the NCFLL to negotiate on the impact or implementation of any individual RIF with respect to matters not specifically covered by this Contract.