

8. RIF (Reduction in Force)

This plan applies to all organizations under the U.S. Mission to Afghanistan.

A. General

There may be times when it is necessary for the U.S. Government (USG) to reduce its number of employees for such reasons as lack of funds, reduction in workloads, or a decrease in employment ceilings. When these conditions exist, or where the USG deems it appropriate, some employees may be affected under Reduction-in-Force (RIF) procedures to meet employment goals and limitations. The Mission has the discretion to amend this Reduction-in-Force (RIF) plan from time to time, and the plan as described does not confer any ongoing rights save for those reductions that have occurred subsequent to the amendment to the plan.

The provision of this plan is applicable to Foreign Service National (FSN) and Personal Services Agreement/Contract (PSA/PSC) employees under the Local Compensation Plan, regardless of funding source, whose last efficiency report has an overall rating of “fully successful” or better. This plan does not apply to FSN/PSA/PSC employees whose last efficiency report is overall less than “fully successful.” Employees in this category are to be separated for failure to meet required performance standards prior to invoking Reduction-in-Force procedures in accordance with 3 FAM 7732.4 and 3 FAM 7610.

B. Definitions

1. Mission

The U.S. diplomatic mission in Kabul, Afghanistan, including applicable agencies.

2. Designated Area for Competition

An agency, one or more posts served by an agency, or a section of an agency in which employees work. A RIF may affect only one post in country, all posts served by an agency, or only one section in one post for that agency.

3. Competitive Level

All positions in a designated area and in the same grade which are sufficiently alike in qualification, requirements, duties, responsibilities, pay schedule and working conditions, so that the incumbent of any one position could be assigned to any of the other positions without undue interruption of the work program.

4. Retention Register

A listing of all employees at a competitive level in the designated area arranged according to the number of retention points of each individual.

5. Retention Points

The total of the positive and negative points which may be assigned to each employee on the retention register according to the guidelines given in Section D.1 and 2.

6. Retention Standing

The precise rank of an employee on the retention register based on the total number of the retention points, positive and negative.

C. Competitive Area

When RIF action is necessary, employees selected for separation shall be determined as follows:

1. The agency or agencies concerned will select the number and type of positions to be eliminated.
2. The personnel office in conjunction with the concerned agency will prepare retention register(s) listing employees who encumber positions that entail duties designated for elimination. Retention registers will be unique for each agency. The retention register lists employees with the same title and grade for each competitive area and level, and will list employees in descending order according to total retention points. An employee who is on the bottom of the retention register shall be the first one to be separated.
3. One agency cannot compete with another agency. Each agency will have its own retention register and cannot include employees from another agency.
4. When it is deemed in the best interest of the USG and with the approval of the agency head and the ambassador, the concerned agency may elect to move personnel from one constituent post to another as part of the RIF. Within each agency, the retention registers may be combined for the country as a whole or be separate for each post.

D. Priority on the retention register is determined by a point system calculated as follows:

1) **Plus Points**

- a) 1 point for each full year of creditable service. This shall include time as a direct-hire employee or PSA/PSC. Any time in excess of nine months left over from the number of full years shall be deemed to be a full year for point credit.

- b) 1 point for each award within the last four years under the incentive awards program (or the equivalent program for PSAs/PSCs), and/or for receipt of a meritorious step increase within the last three years.
- c) 3 points for each annual evaluation of performance in the last five years with an overall rating of "outstanding" (2 points if the evaluation report covers a period of approximately 6 months).
- d) 2 points for each annual evaluation of performance in the last five years with an overall rating of "commendable" (1 point if the evaluation report covers a period of approximately 6 months)
- e) 1 point for each official recognition of superior performance, such as a letter of appreciation, issued in the last four years. Such official recognition must be included in the employee's official personnel folder (OPF) to be considered for point credit.
- f) 1 point for each formal training course successfully completed within the last six years which is directly job-related. All courses must have been taken after the employee entered on duty. A memorandum signed by the employee's supervisor, certifying that the course is job related, must be included in the employee's OPF to be considered for point credit.

2) Minus Points

Each occurrence of the following will result in the corresponding minus points being deducted from the total plus points:

- a) 10 points for each evaluation of performance in the last five years with an overall rating of "unsatisfactory" (-5 points if the evaluation report covers a period of approximately 6 months).
- b) 6 points for each evaluation of performance in the last five years with an overall rating of marginal (-3 points if the evaluation report covers a period of approximately 6 months)

- c) 6 points for each official individual reprimand included in the employee's OPF in the last four years, but only if the reprimand is independent of an incident for which points are otherwise deducted under this section.
- d) 8 points for each documented abuse of sick leave, each insubordination, or each instance of detrimental or unfavorable data included in the employee's OPF in the last four years.
- e) 10 points for each 8 to 24-hour period or instance of absence without leave (AWOL) documented on the time and attendance report in the last five years (-3 points for less than an 8-hour period of AWOL).
- f) 10 points for each suspension from duty.

If any issue listed under Subsection D. 2 (a through f) is under review with the FSN Grievance Board, it will remain in full force and effect for purposes of the calculation of the retention register until such time as it is reversed.

3) In a case where two or more employees have the same number of points on the same retention register, the lowest level American supervisor who is in the line of supervision over the tied employees will determine their relative standing on the register.

E. Notice of Reduction-in-Force

An employee to be separated under RIF procedures will be given notice in accordance with the applicable provisions of the mission separation notice plan.

1. Requirement

The administrative or executive officer of each agency (or the Human Resources Officer of the embassy, if the agency is served by the Human Resources office under ICASS) will give written notice to an employee selected for release from his/her competitive level. Whenever possible, the employee will receive a notice of the agency's intention to RIF at least 30 full calendar days or more in accordance with local prevailing practice before the date of his/her release. In counting the days of the notice period, the day the notice is recorded as delivered is omitted.

2. Content of Notice

The official notification will state specifically what action the agency intends to take, the effective date of that action, the employee's designated area and competitive level, and the service computation date. The notice will also describe the employee's right to appeal the RIF action. If the employee appeals, no funds will be disbursed until the appeal process is finalized.

3. Status During Notice Period

When possible, the employee will remain in a duty status during the notice period. During this period, the employee should use any excess annual leave which cannot be paid in a lump-sum, and the agency should cooperate in assisting the employee to use excess annual leave during this period, if such requests do not unduly interfere with agency work requirements. The employee may request annual leave that is not excess leave during the notice period. Posts may consider paying salary (without charging leave) for the specified period of notice, in lieu of notice, and separate the employee immediately.

F. Appeals

1) An employee has the right to appeal to his/her agency RIF review board after receiving notice of intent to separate under Reduction-in-Force if the employee believes the agency has applied regulations incorrectly. The employee may not appeal the determination as to which position is to be abolished. An appeal must be made in writing and must be received not later than ten (10) calendar days after receipt of the separation notice. The appeal should be sent to the Chairperson of the agency's RIF review board, giving the specific reasons for the appeal. The employee may also request in writing the opportunity to appear in person before the board to present the appeal.

The RIF review board shall not act as a substitute FSN Grievance Board. Issues listed under "grievable actions" under the FSN grievance procedures may not be presented for appeal to the RIF review board.

2) RIF Review Board

a) The RIF Review Board is made up of the following:

- (1) Chairperson: for State employees: post administrative officer, or designee; or, for associated agency employees: agency head at post, or designee.
- (2) Member: employee's section chief (or designee)
- (3) Member: an American or foreign national employee of the appellant's choice.
- (4) The Human Resources Officer or

a representative of the Human Resources office may be requested to attend to answer questions or to explain actions taken by the Human Resources office. This person does not have a vote.

b) The decision of the RIF review board shall be final. There is no further appeal.

G. Out Placement Assistance

1. Employees identified for separation under a Reduction in Force will be assisted to the maximum extent possible in locating other employment if they request such assistance.
2. Post's **Reduction-in-Force (RIF) Policy and Pay** is subject to change when warranted.
3. Posts are requested to send their RIF plans to HR/OE/HRM. We are very much interested in your feedback, particularly from posts that have had to invoke their RIF plans.

H. Reduction-in-Force (RIF) Pay

The Reduction-in-Force (RIF) benefit formula is:

COMPLETED YEARS OF SERVICE	AMOUNT OF PAYMENT
1 to less than 7	6 months base pay
7 to less than 8	7 months base pay
8 to less than 9	8 months base pay
9 to less than 10	9 months base pay
10 to less than 11	9.5 months base pay
11 to less than 12	10 months base pay
12 to less than 13	10.5 months base pay
13 to less than 14	11 months base pay
14 to less than 15	11.5 months base pay
15 or more	12 months base pay