

U.S. Department of Energy
Washington, D.C.

ORDER

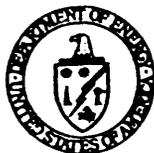
DOE 3300.3

1-12-95

SUBJECT: EMPLOYMENT

1. PURPOSE. To provide general policy and guidance on assignment of Departmental personnel outside the Department, probationary periods for managers and supervisors, part-time career employment, and reduction in force.
2. CANCELLATION. DOE 3300.16, ASSIGNMENT OF DEPARTMENTAL PERSONNEL OUTSIDE THE DEPARTMENT, of 6-23-92; DOE 3315.1A, PROBATIONARY PERIOD FOR MANAGERS AND SUPERVISORS, of 6-23-92; DOE 3340.1A, PART-TIME CAREER EMPLOYMENT PROGRAM, of 5-14-92; DOE 3351.1C, REDUCTION IN FORCE, of 6-23-92.
3. APPLICABILITY. This Order applies to all Department of Energy employees unless specifically exempted under the applicable Chapters contained herein.
4. ASSISTANCE. Questions on this Order should be addressed to the Department of Energy, Office of Personnel Policy, Programs, and Assistance (202) 586-8514.
5. BACKGROUND. Four existing Orders, DOE 3300.1B, DOE 3315.1A, DOE 3340.1A, and DOE 3351.1C, have been incorporated into one major "Employment" Order. These Orders are now presented as chapters in the new Order. In addition to making significant edits to the existing Orders, most information presently found in Title 5 Code of Federal Regulations (CFR) and information of a very general nature have been omitted. Additionally, operating guides are being developed for the more involved chapters to assist users in understanding and implementing specific program procedures.
6. OBJECTIVES. To establish a single employment directive to cover multiple authorities, and provide guidance and information to ensure consistency on Department policy in those areas.
7. REQUIREMENTS AND RESPONSIBILITIES. Requirements and responsibilities have been modified and information pertaining to delegations of authority will be added to the new Order on Delegations of Authority. Responsibilities are contained in each of the Order's individual chapters.

BY ORDER OF THE SECRETARY OF ENERGY:



ARCHER L. DURHAM
Assistant Secretary for
Human Resources and Administration

DISTRIBUTION:
All Departmental Elements

INITIATED BY:
Office of Personnel Policy,
Programs, and Assistance

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CHAPTER I

ASSIGNMENT OF DEPARTMENTAL PERSONNEL OUTSIDE THE DEPARTMENT

1. PURPOSE. To provide general policy and guidance for the assignment of Department of Energy employees outside the Department in furtherance of the interest of the Department or the Federal Government and to set forth the requirements for the periodic collection of data in order to respond to requests for reports from a variety of sources (e.g., Section 621(a), Title VI, General Provisions of the Treasury, Postal Service and General Government Appropriations Act, 1988, Public Law No. 100-202).
2. REFERENCES.
 - a. Title 5, Code of Federal Regulations, Part 334, which contains regulations for temporary assignments under the Intergovernmental Personnel Act.
 - b. Title 5, Code of Federal Regulations, Part 352, Subpart C, which provides procedures for temporary assignments to international organizations.
3. POLICY.
 - a. The lending of personnel by the Department of Energy will be covered by a written agreement between the Department and the host organization.
 - b. Interagency details shall be reimbursable except when (1) they involve matters related to lending organization's appropriation and will aid it in accomplishing the purpose for which appropriations are provided; or (2) will have a negligible impact on the lending organization's appropriations.
4. RESPONSIBILITIES:
 - a. Heads of Departmental Elements shall assure that assignments of employees in their organizations are processed in accordance with this Chapter.
 - b. Servicing Personnel Offices will provide staff advice and technical support to the organizations serviced, and respond to requests for information concerning assignments of employees outside the Department.
5. PROCESSING REQUESTS FOR ASSIGNMENTS.
 - a. Requests for approval of initial assignments outside the Department and extensions thereof must be processed through the appropriate servicing personnel office as prescribed by local procedures and the Departmental Order concerning Delegations of

Authority. Those requiring approval outside the organization shall generally be transmitted at least 1 month before the proposed effective date. Requests must be sent to the Director of Personnel and include the following information:

- (1) The name, title, series, grade, organization, and geographic location of the employee proposed for assignment.
- (2) Identification of the organization to which assignment is proposed and the title, series, and grade (or rate of pay) of the position to which the employee will be assigned.
- (3) The proposed starting and ending dates of the assignment and the type of assignment to be made (e.g., Intergovernmental Personnel Act assignment, interagency detail, or other specific designation).
- (4) Any fiscal obligations that will accrue to the Department of Energy and, if none, the reason(s) why. A statement of the Department's willingness to fund the certain costs should also be included, if applicable. A request for the assignment of a Departmental employee on a nonreimbursable basis shall substantiate that (1) the detail involves a matter related to the appropriations of the Department of Energy's organization from which assignment is to be made and will aid it in accomplishing the purpose for which appropriations are provided; or (2) will have a negligible impact on the employing organization's appropriations.
- (5) Justification for the proposal, including a statement of the benefits that will accrue to the Department of Energy through such an assignment.
- (6) Optional Form 69, "Assignment Agreement," if the proposed assignment is under the Intergovernmental Personnel Act.

b. Details shall be documented on the Standard Form 52, "Request for Personnel Action."

6. DATA COLLECTION.

Servicing personnel offices shall provide the Office of Personnel Policy, Programs and Assistance a quarterly listing of employees assigned outside the Department. The following information must also be provided:

- (1) Name, title, series, and grade of each Department of Energy employee who was assigned outside the Department at any time during the reporting period.

- (2) Full names of the Department of Energy and host organizations from and to which the employee is detailed.
- (3) Beginning and ending dates of the assignment and a statement as to whether it is reimbursable or nonreimbursable.
- (4) A brief description of the nature of the assignment (e.g., conducted research on technology transfer for oil and gas research) The information shall be provided according to the schedule shown below:

<u>Reporting Date</u>	<u>Reporting Period</u>
01/15	10/01 - 12/31
04/30	01/01 - 03/31
07/31	04/01 - 06/30
10/30	07/01 - 09/30

CHAPTER II

PROBATIONARY PERIOD FOR MANAGERS AND SUPERVISORS

1. PURPOSE. To provide general guidance for planning and implementing a probationary period program for newly appointed managers and supervisors in competitive service positions.
2. REFERENCE. Title 5, Code of Federal Regulations, Part 315, Career and Career-Conditional Employment, Subpart I, "Probation on Initial Appointment to a Supervisory or Managerial Position."
3. RESPONSIBILITIES.
 - a. Director of Personnel will establish and implement Departmental policies, standards and procedures; evaluate the effectiveness of the program; and make final decisions when initial determinations are contested.
 - b. Servicing Personnel Offices will provide advice and technical operations support to organizational units serviced; develop and review local programs; make technical determinations to designate positions; maintain records and prepare reports.
 - c. Managers and Supervisors will provide formal and on the job training; establish and communicate performance criteria to affected employees; conduct progress reviews; complete interim probationary period evaluation forms; and initiate action to remove unsuccessful employees.
4. POLICY. Employees newly appointed to either a managerial or supervisory position are required to serve a probationary period of one (1) year in the type of position to which appointed. An employee appointed to a position which is both supervisory and managerial will serve a single probationary period of 1 year. Satisfactory completion of a probationary period in a managerial position will satisfy the requirement for a probationary period in a supervisory position, but satisfactory completion of a probationary period in a supervisory position will not satisfy the requirement for a probationary period in a managerial position. Specific local programs are to be developed by servicing personnel offices nationwide for establishing probationary periods for newly appointed managers and supervisors, and if desired, criteria may include provisions for time limited positions.
5. CREDITABLE SERVICE.
 - a. Absence in a nonpay status while on the rolls (other than because of a compensable injury or military duty) is creditable up to a total of 22 workdays. Any nonpay time in excess of the total of 22 workdays extends the probationary period by an equal amount.

- b. Absence (whether on or off the rolls) due to compensable injury or military duty from which the employee is entitled to restoration rights or priority consideration under Title 5, Code of Federal Regulations, Part 353, is creditable in full.
 - c. When an employee is separated or demoted due to cause or to unsatisfactory completion of the probationary period for newly appointed managers and supervisors, or placed in a nonsupervisory or nonmanagerial position due to deficiencies in supervisory or managerial performance, prior service is not creditable toward completion of a probationary period required under a subsequent appointment.
 - d. Satisfactory temporary service within the Department as a supervisor or manager will be credited toward completion of the supervisory or managerial probationary period, provided that the service lasted for more than 120 days and the employee was officially assigned to the position, i.e., a temporary appointment, promotion, or reassignment. Service under details is not creditable under this provision.
 - e. Service in a supervisory or managerial position by temporary promotion for periods of 120 days or less will be credited toward completion of the supervisory or managerial probationary period only when the action is made permanent by another personnel action without a break.
 - f. Service in a supervisory or managerial position by detail, for any length of time, will be credited toward completion of the supervisory or managerial probationary period only when the detail is made permanent by another personnel action without a break.
 - g. If an employee is retroactively placed in a supervisory or managerial position as a result of a complaint settlement or grievance, no credit toward probation shall be allowed for the retroactive period.
6. FAILURE TO SATISFACTORILY COMPLETE THE PROBATIONARY PERIOD.
- a. An action to return an employee to a nonsupervisory or nonmanagerial position under the provisions of this chapter can be taken only for reasons related to the employee's performance as a manager or supervisor.
 - b. The decision to return an employee to a nonmanagerial or nonsupervisory position under the provisions of this chapter must be made by the employee's immediate supervisor (the evaluating official) and concurred in by at least the next higher official in the organization (the reviewing official). Higher levels of review may be provided for in local plans, but must be applied

consistently for all employees within each organizational jurisdiction.

- c. If an employee was receiving grade or pay retention before being promoted to a supervisory or managerial position, a failure to satisfactorily complete this probationary period may result in grade or pay retention being reinstated. The 2-year period for grade retention is not extended by the amount of time spent in the higher graded supervisory or managerial position, even though grade retention was terminated when the employee was promoted. The two-year clock continues to run during this period. When the employee is placed in a nonsupervisory or nonmanagerial position, the employee is entitled to any remaining period of grade or pay retention as prescribed by Title 5, Code of Federal Regulations, Part 536.
7. LOCAL PROGRAMS. Servicing personnel offices, including the Inspector General, must develop probationary period programs which should:
- a. Provide for the development of performance requirements and standards. All performance requirements and standards must be recorded on a probationary period evaluation form (DOE F 3315.1). A determination may be made, for example, that a newly appointed manager or supervisor should perform at some level greater than "acceptable" in order to satisfactorily complete the probationary period. In these cases, care should be taken to develop and record the two sets of requirements separately.
 - b. Ensure that vacancy announcements state that continuation in the position may be subject to satisfactory completion of a probationary period.
 - c. Ensure that newly appointed managers and supervisors receive managerial supervisory orientation and training as appropriate.
 - d. Establish a recordkeeping system to ensure that:
 - (1) Evaluating officials are notified of the elapsed time of the probationary period. Notification must occur, at a minimum, at the end of 9 months. The form must be submitted to the servicing personnel office no later than at the end of 10 months, along with a request that any appropriate action be taken.
 - (2) Adequate documentation is completed on any action taken.
 - e. Include provisions to keep newly appointed managers and supervisors fully informed of their performance.
 - f. Include provisions to complete the probationary evaluation form for the record whenever:

- (1) The evaluating official changes positions, for any reason, with the result that completion of the probationary period under a single evaluating official is prevented; or
 - (2) The probationary employee is permanently reassigned to a new evaluating official before completing the end of the probationary period.
9. Provide for the review of the actions of evaluating officials whenever removal of a probationary employee is recommended to ensure that a full and fair consideration has been extended to the employee.
- h. Provide for an adequate review of a decision to return an employee to a nonmanagerial or nonsupervisory position-under the provisions of this chapter, and provide full information to such employees as to the reason for such a decision. If the newly appointed manager or supervisor reports to more than one evaluating official during the course of the probationary period, the evaluating official with the final responsibility for recommending retention or nonretention in the position must consider previous evaluations covering the same probationary period.
- i. Provide for a periodic self-evaluation of the program to ensure that it is as effective as possible and is useful to management and to employees. Local programs may be subject to onsite personnel management evaluations conducted by Office of Personnel Management or Department of Energy personnel management evaluation teams.
- j. Provide for advice and guidance to any employee who requests and/or requires it, and ensure that any employee who is to be removed is made aware of all appropriate appeal procedures.

CHAPTER III

PART-TIME CAREER EMPLOYMENT PROGRAM

1. PURPOSE. To provide general guidance to establish a Part-Time Career Employment Program within the Department of Energy.
2. REFERENCES.
 - a. Title 5, Code of Federal Regulations, Part 340 which contains regulations for other than full-time career employment.
 - b. Title 5, Code of Federal Regulations, Part 550, Subpart A which contains regulations for premium pay.
 - c. Public Law 95-437, the Federal Employees Part-Time Career Employment Act of 1978, as amended by the Civil Service Reform Act (Title 5, United States Code, Chapter 34).
3. POLICY. It is the policy of the Department to optimize part-time career employment opportunities in positions up to GS-15 subject to Departmental resources and mission requirements. Part-time career employment can be an effective management tool to increase productivity and job satisfaction, lower turnover rates and absenteeism, and provide flexibility in meeting work requirements, and for filling positions characterized by labor shortages.
4. RESPONSIBILITIES.
 - a. Director of Personnel. Designates a Departmental program coordinator who will serve as the focal point, coordinate the program, and carry out relevant administrative and technical responsibilities.
 - b. Servicing Personnel Offices. Designate a local program coordinator who will serve as a central point of contact for employees and keep abreast of regulations, maintain liaison and consult with interested Departmental and non-Departmental officials, formulate local procedures and prepare reports due to Headquarters by April 20 and October 20, and assure that program activities are integrated with diversity program activities.
5. TOURS OF DUTY AND DOCUMENTATION.
 - a. Work Schedules of Less Than 16 Hours Per Week. Generally, part-time employees will be assigned tours of duty of at least 16 hours per week. However, in unusual circumstances, Heads of Departmental Elements may authorize shorter work schedules, documenting the basis and the reason that it would be in the best interest of the Department.

- b. Work Schedules of More Than 32 Hours Per Week. Part-time career employees may not regularly work in excess of 32 hours per week. However, the work schedule may be increased if necessary to meet heavy workload demands, training requirements, or travel demands. Such increases are not permitted for more than two consecutive pay periods, in keeping with congressional intent to limit regular part-time work schedules to 32 hours per week. Employees who were already permanent part-time as of April 7, 1979, are exempted from the 32 hours per week tour of duty limitation so long as their part-time employment continues without a break in service of more than 3 calendar days.
 - c. Short-Term Change to Full-Time. A short-term change of a part-time employee to full-time is permitted under extenuating circumstances. In any such case, the employee should be required to sign a memorandum of understanding indicating full knowledge that the full-time schedule is temporary, the reasons for the change, and the not-to-exceed date of the temporary full-time work schedule.
 - d. Mixed Tour Employment. A mixed tour (scheduling of a career employee to work part-time during a portion of each year and full time and/or intermittent for the remainder of the year) may be appropriate when the workload of a position varies throughout the year. If implemented, it should be established as a condition of employment. An employee under a mixed tour is exempt from the 16 to 32 hours per week tour of duty and the health insurance prorating provisions of the Act when he or she works no more than 6 pay periods per year on a part-time schedule.
6. PROGRAM IMPLEMENTATION. In conjunction with operating program officials, servicing personnel offices will provide assistance regarding the following actions and requests:
- a. Review of Vacant Positions. Provide for the review of permanent positions which, after such positions become vacant, may be filled on a part-time career employment basis. The following factors should be considered in establishing part-time career employment opportunities:
 - (1) Agency mission;
 - (2) Workload fluctuations;
 - (3) Size of workforce, occupational mix, turnover rate, and employment trends;
 - (4) Potential for improving service to the public;
 - (5) Diversity;

- (6) Geographic dispersion;
 - (7) Current employee interest in part-time career employment;
and
 - (8) Personnel ceiling and fiscal constraints.
- b. Request for Changes to Part-Time Schedules. Employees may receive consideration to switch from full-time to part-time employment schedules within their competitive areas. Procedures may be established which provide for a broader area of consideration. An employee's request must be in writing and must indicate that the request for conversion to part-time employment is voluntary and provide a desired effective date. The factors listed in 6a above should be considered in determining the feasibility of establishing such positions or approving requests for conversions.
- c. Public Announcements of Part-Time Employment Opportunities. Local procedures must be established for notifying the public of available part-time career vacancies. Notification may involve utilizing established regulations, policies, practices and procedures regarding announcing vacancies as set forth by the Department and the Office of Personnel Management as well as contacting State employment service offices, schools, public service organizations, and other sources of recruitment.
- d. Job Sharing. Job sharing provides management with flexibility in using two or more part-time employees to fill positions that need full-time coverage. Although job sharers share the duties of a full-time position, they are considered to be individual part-time employees for purposes of appointment, tour of duty, pay, classification, leave, holidays, benefits, position change, service credit, record keeping, reporting, reduction in force, adverse actions, grievances, and personnel ceiling. Therefore, local programs should identify all individuals who are sharing jobs, provide the reasons for such (e.g., to care for an ill family member, to return to school, to care for child, etc.), and include this additional information on biannual Part-Time Career Employment Report.

CHAPTER IV

REDUCTION IN FORCE

1. PURPOSE. To provide general guidance for planning and conducting a reduction in force involving Department of Energy employees in the competitive and excepted service.
2. REFERENCES. Parts 330 and 351 of Title 5, Code of Federal Regulations.
3. POLICY.
 - a. Before formal reduction-in-force procedures are initiated, a concerted effort should be made to place employees who will be adversely affected through transfer, reassignment, or other appropriate action. Placement efforts, once undertaken, should be as consistently applied as practicable.
 - b. If a reduction in force becomes necessary, adversely affected employees shall be informed at the earliest possible time and advised of the regulations under which reduction in force actions are taken and of their rights and benefits. Placement assistance, for positions within and outside the Department of Energy, shall be made available to all employees to be separated.
 - c. Heads of Departmental Elements shall assess the impact of a reduction in force on bargaining unit employees and shall negotiate or consult with exclusive representatives as appropriate under labor relations law or negotiated agreements.
4. RESPONSIBILITIES.
 - a. Director of Personnel.

Establishes Departmental policies, standards and procedures; reviews plans to conduct a reduction in force; approves designations of competitive areas; and concurs on requests to the Office of Personnel Management for approval to issue specific notices for periods less than 60 days and for changes to existing or establishment of new competitive areas for a reduction in force which will occur less than 90 days prior to the effective date.
 - b. Heads of Departmental Elements.
 - (1) Determine when a reduction in force will be necessary, which functions and organizations will be affected and initiate appropriate action.
 - (2) Notify the Director of Personnel in writing before initiating any reduction in force action of: (1) reduction in force plan; (2) delineation of or changes to competitive

areas; and (3) the need to issue specific notices for periods of less than 60 days.

- (3) Determine when a functional transfer is needed to facilitate the furtherance of the Department's mission and initiate action to obtain appropriate approvals.

c. Servicing Personnel Offices. Provide advice and technical operations support to organizational units serviced in order that all reduction in force and transfer of function planning and personnel actions are carried out consistent with the provisions of this Chapter and with applicable regulations.

d. Managers and Supervisors.

- (1) Determine which positions are to be abolished.

- (2) Provide information to affected employees.

5. PRIOR NOTIFICATION OF REDUCTION IN FORCE PLANS.

a. Organizations which plan to conduct a reduction in force shall notify the Director of Personnel in writing as far in advance of the anticipated effective date as possible, but no less than 3 weeks prior to the date when reduction in force notices are to be given to employees. The following information must be included in the notice:

- (1) The specific reason for the reduction in force (e.g., a reduction in workload, program curtailment, etc.).
- (2) The approximate number of employees to be directly adversely affected by the reduction in force and the actions to be taken (e.g., number to be separated, downgraded, and reassigned).
- (3) The estimated number of days of advance notice that employees will be given and whether employees will be in a nonpay status during any of this time period.
- (4) The proposed relocation or outplacement efforts which are planned for the affected employees.
- (5) Assistance required, if any, from other organizations and from the Director of Personnel.
- (6) A request for approval of the competitive area to be used if this represents a change from the established area or if no such area was established previously.

- (7) The estimated cost in terms of severance pay and lump sum annual leave entitlements, and any estimated salary savings through the remainder of the fiscal year. If the reduction in force results in whole or in part from a determination to obtain services by contract, also include the estimated additional contractor costs.
- b. In the event of a transfer of function, the following additional information is required.
 - (1) The identification of the unit or function being transferred.
 - (2) The identification of the gaining and losing organizations.
 - (3) The reasons for the transfer.
 - (4) The proposed effective date of the transfer, the number of employees affected, and the estimated number of employees who will accompany the function.
- c. Reduction in force plans will not be made public and reduction in force notices will not be issued to employees until the Director of Personnel responds to the notification. Such response will occur normally within 10 workdays of receipt of all required information.
- d. In the event that circumstances beyond the control of the organization conducting the reduction in force preclude providing the required written notification within the time limit required, such notification may be provided orally at the discretion of the Director of Personnel.

6. COMPETITIVE AREAS.

- a. Requests to the Director of Personnel for changes in approved competitive areas should be submitted at least 120 days in advance of any proposed reduction in force. If a competitive area is to be in effect less than 90 days prior to the effective date of the reduction in force, the request must be submitted to the Office of Personnel Management through the Director of Personnel. Generally, competitive areas are as follows:
 - (1) Each Headquarters first-tier organization shall be a separate competitive area. Such areas shall include all employees of the organization within the Washington, D.C., commuting area.
 - (2) Each field element with delegated personnel authority and which is operationally and functionally independent of other Departmental activities in the commuting area shall be in a

are tied for release from a competitive level, the employee with the least amount of service with the Department shall be released first.

11. NOTICES. Each competing employee selected for release from a competitive level is entitled to a specific written notice at least 60 full days before the effective date of release. Notice periods of less than 60 days must be authorized by the Office of Personnel Management, via a written request from the Head of the Departmental Element through the Director of Personnel.
12. TRANSFER OF FUNCTION.
 - a. A transfer of function exists if any Departmental activity is transferred from one competitive area to another or if the competitive area is moved to another commuting area. Transfers of function must be implemented in accordance with applicable regulatory requirements.
 - b. Lump-sum and severance payments must be paid from the gaining organization's appropriations unless the losing organization chooses to fund such cost.
 - c. Employees separated in this manner do not have assignment or retreat rights in the losing organization and are placed on the reemployment priority list of the gaining organization. If the losing organization is both willing and able to retain in grade those employees identified with the function, these procedures do not apply.
13. INTERNAL PLACEMENT ASSISTANCE.
 - a. Employees have no right of assignment to another competitive area, except in a transfer of function. If, however, another competitive area exists within the local commuting area, affected employee(s) may be referred for consideration. In this instance, the affected employee's application and appropriate information shall be forwarded by the servicing personnel office to the personnel office serving the other competitive area for consideration for any existing vacancies for which that office may be recruiting.
 - b. Every effort should be made to place the affected employee in an appropriate position prior to separation. The receiving personnel office must notify the personnel office serving the separating employee of the availability of any such position within 3 workdays after receipt of the request for placement assistance.
14. APPEAL RIGHTS.
 - a. An employee who has been furloughed for more than 30 days, separated, or demoted by a reduction in force action may appeal to

the Merit Systems Protection Board in accordance with Merit Systems Protection Board procedures.

- b. An employee in a bargaining unit covered by a negotiated grievance procedure that includes reduction in force must use the negotiated grievance procedure and may not appeal reduction in force actions to the Merit Systems Protection Board.
- c. An employee, as identified in 14b above, who raises an allegation of discrimination in conjunction with a reduction in force, may pursue the matter either through the negotiated grievance procedure or by appealing the reduction in force action to the Merit Systems Protection Board.