

FOURTH ESTATE
INTERIM GUIDANCE
THE NATIONAL SECURITY PERSONNEL SYSTEM
WORKFORCE SHAPING

- References:
- (a) Section 9902 of title 5, United States Code
 - (b) Title 5, Code of Federal Regulations, Chapter XCIX, Part 9901, “Department of Defense Human Resources Management and Labor Relations System”
 - (c) DoD Civilian Personnel Manual, 1400.25-M, Chapter 1900
 - (d) Deputy Secretary of Defense Memorandum, “Delegation of Authority for National Security Personnel System (NSPS) Implementing Issuances,” April 24, 2006

1. **PURPOSE**

This interim guidance:

- 1.1. Implements the workforce shaping policies in accordance with References (a) through (d).
- 1.2. Provides supplemental guidance to the DoD implementing issuance at Subchapter 1960 of Reference (c).
- 1.3. Prescribes procedures, delegates authority, and assigns responsibilities to the DoD Fourth Estate entities.

2. **RESPONSIBILITIES**

The Heads of DoD Fourth Estate entities with independent appointing authority have delegated authority to approve reduction in force (RIF) and transfer of function actions and to establish competitive areas and competitive groups. The approval authority may be re-delegated to the lowest practicable level, when the RIF will result in the involuntary separation of fewer than 50 employees, or is necessitated by actions of a Base Realignment and Closure (BRAC). The delegation shall be in writing and specifically identify to whom the authority has been delegated.

3. PROCEDURES

3.1. Announcement. (SC1960.5.1.) The DoD Fourth Estate entities with independent appointing authority who approve a reduction in force (RIF) that meet the criteria found at SC1960.5.1 (Reference (c)), shall forward a written request for coordination of an announcement through the Deputy Under Secretary of Defense (Civilian Personnel Policy) to the Assistant Secretary of Defense (Legislative Affairs), with a copy to the DA&M. Such requests shall include all pertinent information as prescribed at SC1960.5.1. (Reference (c)) and shall be sent at least 90 days before the proposed date for issuance of RIF notices.

3.2. Competitive Area and Competitive Group. (SC1960.6.3.) Prior to conducting a RIF, the servicing Human Resources Office will advise management on establishing competitive areas and competitive groups to ensure minimal disruption and fairness and equity for all employees.

3.2.1. DoD Fourth Estate entities with independent appointing authority may approve the establishment or change in competitive areas and/or competitive groups within 90 days of the effective date of a RIF. Copies of the documentation to support the establishment or change in competitive areas or groups shall be provided the DA&M and, at a minimum, address the following:

3.2.1.1. Identification of the proposed competitive area or competitive group including the organizational segment, geographic location;

3.2.1.2. A description of how the proposed area or group differs from the one previously established for the same unit and geographic area;

3.2.1.3. The number of competing employees in the proposed competitive area or group;

3.2.1.4. A description of the operation, work function, staff, and personnel administration of the proposed area or group and, where appropriate, a description of how it is distinguished from others in these respects;

3.2.1.5. A discussion of the circumstances, that led to the proposed changes less than 90 days before a proposed reduction; and

3.2.1.6. Impact if the establishment or change in competitive areas or groups is not approved.

3.2.2. Establishing a Competitive Area. (SC1960.6.3.1.) Competitive areas should be sufficiently broad so as not to place an individual or a group of individuals at an unfair disadvantage or to cause only one employee to be in the competitive area unless there are compelling business-related reasons for doing so. Examples of competitive areas include:

3.2.2.1. A line of business might be, for example, Information Technology (IT) Specialists and Computer Engineers or subdivisions of those fields (e.g., Networks, Systems Administration, Information Systems Security); accounting; acquisition; foreign policy; etc.

3.2.2.2. A product line might be the development and/or maintenance of a large computer system that may involve IT specialists, Engineers, Program Analysts, and all others primarily dedicated to the development and maintenance of the system.

3.3. Employees on Temporary Appointments. (SC1960.6.4.5.2.1.) Temporary employees shall be released from the retention list beginning with the employee with the lowest retention standing when a temporary position is needed to avoid separating a competing employee. Temporary employees in competitive groups that are not affected by the RIF may be retained.

3.4. Notices. (SC1960.6.4.5.5.2.) Requests for a notice period of less than 60 days shall be submitted to the Secretary of Defense with a copy to the DA&M.

3.5. Prohibited Notice Period. (SC1960.6.4.5.5.7.) DoD Fourth Estate entities with independent appointing authority may approve exceptions to the prohibited notice period with a copy of the approval provided to the DA&M.

3.6. Voluntary Separation. (SC1960.6.4.5.5.9.4.) DoD Fourth Estate entities with independent appointing authority may approve employees occupying critical or hard-to-fill positions to participate in voluntary separation programs. A copy of the approval shall be provided to the DA&M.

3.7. Volunteers. (SC1960.6.5.4.5.) DoD Fourth Estate entities may permit an employee to volunteer for transfer in place of an employee identified for transfer of function. When the number of volunteers exceeds the number of employees required to perform the function in the gaining competitive area, entities shall consider volunteers with higher retention standing first.

4. EFFECTIVE DATE

This interim guidance is effective immediately.