



Documentation Needed to Challenge a RIF Ranking

The [Environmental Protection Network](https://environmentalprotectionnetwork.org) (EPN) harnesses the expertise of more than 650 former Environmental Protection Agency (EPA) career staff and confirmation-level appointees from Democratic and Republican administrations to provide the unique perspective of former regulators and scientists with decades of historical knowledge and subject matter expertise.

We expect that soon there will be a “Reduction in Force” (RIF) action at EPA, as well as at other federal agencies. The Office of Personnel Management (OPM) has promulgated regulations to govern how the leadership must carry out any RIF. See 5 CFR part 351. The rules are very complex. OPM has provided [guidance](#) to explain how the rules operate.

The OPM rules spell out four factors to follow when some people will be fired and others kept on the payroll. The different factors give a preference to career employees and disabled veterans and otherwise appear designed to keep experienced people who have the longest government service and the best performance appraisals. Using these factors, the agency leadership must rank employees within the same affected organizational unit, commuting area, job series, and grade level(s) for which the leadership has chosen to conduct a RIF.

The leadership may make mistakes in their rankings and consequently try to fire employees who should be retained. OPM’s rules give employees the right to contest RIF actions. There are two ways to challenge a dismissal – by an appeal to the Merit Systems Protection Board (MSRB) or by a grievance submitted through a government union that represents you. You’ll need documentation to challenge your ranking.

The first ranking factor is “Tenure Status.” There are three different groups:

Group I - Includes career employees who are not serving on probation.

Group II - Includes career conditional employees, and career employees who are serving a probationary period because of a new appointment. A new supervisor serving a probationary period required on initial appointment to that position is not considered to be on probation if the employee previously completed a probationary period.

Group III - Includes employees serving under term and similar nonstatus appointments.

All employees should have a copy of their most recent [Notification of Personnel Action](#), SF 50. It shows whether you are a “career” or “career conditional,” employee or in a “term” or “non-status” position, and whether you are serving a probationary period. See SF 50 [box 24]. Employees who are supervisors in new positions should also have their current Position Description to demonstrate they are indeed supervisors, as well as any previous Notification of Personnel Action that would show they have previously completed a probationary period.

The second ranking factor relates to the preference given to veterans. To be considered a veteran for RIF purposes – see SF 50 [box 26], you must meet one of the following criteria:

1. Your Armed Forces retirement (without regard to benefits from the Department of Veterans Affairs) is directly based upon a combat incurred disability or injury; or
2. Your Armed Forces retirement is based upon less than 20 years of active duty.

Using this criterion, employees are assigned to three subgroups within each Tenure group:

1. Subgroup AD - veterans who are eligible for RIF preference and who have a compensable service connected disability of 30% or more.
2. Subgroup A - veterans eligible for RIF preference who are not eligible for subgroup AD (including eligible spouses, widowers or widowers, and mothers of veterans).
3. Subgroup B - nonveterans and others not eligible for subgroups AD and A.

All veterans should have documents establishing they retired from Armed Forces service.

Disabled veterans should also have documents showing they have a service-connected disability of 30% or more. See SF 50 [box 23].

The third ranking factor is “Total Creditable Service.” This refers to the combined length of time that an employee has worked for the federal government and served in the Armed Forces. (Veterans with more than 20 years military service and who are not 30% or more disabled get credit only for their time in service during a war.)

All employees should have their most recent Notification of Personnel Action SF 50 which shows the “Service Comp. Date” [box 31].

All veterans should have documentation of their length of military service and, if their service was longer than 20 years, how much was during war for which they received a campaign badge.

The final ranking factor is “Performance.” Every employee may be credited with additional time in service based on their performance ratings. The amount of additional time depends on the ratings the employee received in up to three previous years.

All employees should have copies of the three (or as many as exist, if fewer) most recent performance appraisals in the prior four years.

Documents concerning current Federal employees are in their Official Personnel Folders (OPFs) and electronic OPFs (eOPFs). OPFs and eOPFs are stored at the employee’s current employing agency. If you want to access your OPF or eOPF or have questions about the same, contact your employing agency’s Human Resources Office for assistance. The location of records of former military employees varies depending on the branch of service and date of separation from service. Please visit [NARA’s site on Official Military Personnel Files](#) (OMPFs) for details.

You can file your appeal of a RIF decision with the [Merit System Protection Board](#). Guidance on filing an appeal can be found [here](#). Union members should consult their union representatives.