

CORRECTED

STATE OF MARYLAND  
MILITARY DEPARTMENT  
FIFTH REGIMENT ARMORY  
BALTIMORE, MARYLAND 21201-2288

MDNG-AG-HRO (310-2e)

19 August 1997

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Change 1 to Maryland (Army and Air) National Guard Technician Personnel Regulation No. 351, Reduction In Force Plan For Military and Competitive Technicians

MDNG TPR No. 351, Reduction In Force Plan For Military and Competitive Technicians, dated 1 August 1997 is changed as follows:

Make the following pen and ink change: Chapter 8, para 8-2a, last sentence delete the words "to include a SE 52".

FOR THE ADJUTANT GENERAL:

CAROLE A. BRISCOE  
Colonel, GS, MDARNG  
Human Resource Officer

DISTRIBUTION:

- 1 - Each Full-Time Support Manager/Supervisor (Army and Air)
- 1 - NAGE Local R3 - 81
- 1 - NFFE Local 1692

STATE OF MARYLAND  
MILITARY DEPARTMENT  
FIFTH REGIMENT ARMORY  
BALTIMORE, MARYLAND 21201-2288

MDNG-AG-HRO (310-2e)

7 August 1997

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Change 1 to Maryland (Army and Air) National Guard Technician Personnel Regulation No. 351, Reduction In Force Plan For Military and Competitive Technicians

MDNG TPR No. 351, Reduction In Force Plan For Military and Competitive Technicians, dated 1 August 1997 is changed as follows:

Make the following pen and ink change: Chapter 8, para 8-2a, last sentence delete the words "to include a SF 52".

FOR THE ADJUTANT GENERAL:

CAROLE A. BRISCOE  
Colonel, GS, MDARNG  
Human Resource Officer

DISTRIBUTION:

- 1 - Each Full-Time Support Manager/Supervisor (Army and Air)
- 1 - NAGE Local R3 - 81
- 1 - NFFE Local 1692

STATE OF MARYLAND  
MILITARY DEPARTMENT  
FIFTH REGIMENT ARMORY  
BALTIMORE, MD 21201-2288

MARYLAND NATIONAL GUARD  
TECHNICIAN PERSONNEL REGULATION  
NUMBER 351

1 August 1997

TECHNICIAN PERSONNEL  
REDUCTION IN FORCE PLAN  
FOR MILITARY AND COMPETITIVE TECHNICIANS

	Para	Page
Chapter 1. GENERAL		1
Chapter 2. MANAGEMENT ASPECTS OF REDUCTION IN FORCE		
Use of Reduction in Force Procedures	2-1	2
HRO Responsibilities in a Reduction in Force	2-2	2
Use of Furloughs	2-3	3
Chapter 3. COMPETITIVE AREAS AND LEVELS		
Competitive Areas	3-1	5
Competitive Levels	3-2	5
Chapter 4. ESTABLISHMENT OF RETENTION REGISTERS		
	4-1	7
	4-2	7
	4-3	8
	4-4	8
Chapter 5. ORDER OF RELEASE FROM COMPETITIVE LEVELS		
	5-1	9
	5-2	9
	5-3	9
Chapter 6. DETERMINATION OF PLACEMENT OFFERS		
Placement Offers	6-1	10
Qualifications	6-2	10
Chapter 7. REDUCTION IN FORCE NOTICES		
General Notice	7-1	12
Specific Notice	7-2	12
Required Information for a Specific Notice	7-3	12

\*This regulation supersedes MD (Army and Air) National Guard  
TPR 351, dated 1 Jul 96.

SUMMARY OF CHANGES

Changes paragraph 8-2 (Priority Placement) by providing a more detailed explanation of how the Overgraded Technician List is administered; and a indepth definition of a Reasonable Officer.

**CHAPTER 2****MANAGEMENT ASPECTS OF REDUCTION IN FORCE****2-1. USE OF RIF PROCEDURES.**

a. A RIF occurs when a technician is released from his/her competitive level by separation, change to lower grade, furlough for more than 30 calendar days, or reassignment involving displacement of the incumbent. Reductions may occur due to lack of work or funds, a reorganization, abolishment of positions, transfer of function, or the need to provide job placement for a technician exercising restoration rights. However, the fact that a technician's position is being abolished does not mean that a RIF will always be necessary. Any time an affected technician can be reassigned to a vacant position at the same grade or representative rate, a RIF will not be required. Every effort will be made to avoid the need for a RIF by considering normal attrition, organizational adjustments, restricting recruitment, employee requested downgrades, voluntary retirements, management-directed reassignments, furloughs, and elimination of temporary appointments.

b. The following actions are not considered RIF considerations:

(1) Separation of technicians who fail to accompany a transfer of function.

(2) Management's reassignments of technicians to vacancies at the same grade or representative rate.

(3) Termination of temporary technicians.

(4) Reclassification actions (unless part of reorganization).

(5) Termination of temporary promotions.

(6) Elimination of problem employees. Actions should be taken in accordance with Technician Personnel Manual (TPM) 430 or through disciplinary/adverse action procedures as appropriate.

(7) Furloughs 30 days or less.

**2-2. HRO RESPONSIBILITIES IN A RIF.**

a. one of the most important aspects of a RIF is proper planning. Such planning, done effectively, can decrease the number of administrative problems and may lessen the adverse impact of a RIF by reducing the number of actual separations. Many of the actions involved in such planning can take place simultaneously and may include the following:

Technicians placed on furlough rather than separated are to report back to duty on the date specified unless recalled earlier. When it becomes possible to recall some technicians earlier than anticipated, they must be recalled in the order of their retention standing beginning with the highest standing technician.

b. If the situation changes so that furloughed technicians cannot be recalled to duty or extended, a new RIF notice will be issued at least 60 days before separation.

c. If a furloughed technician refuses or does not respond to a call to return to duty, he/she will be terminated on the specified date of return for duty without a new notice. The technician's original notice will provide this information and will serve as the 30-day notice of separation.

e. Technicians in positions requiring military membership will not be placed in the same competitive level as those not requiring military membership.

f. Supervisory positions will not be placed in the same competitive level as nonsupervisory positions.

g. Full-time positions will be placed in different competitive levels than part-time positions.

(b) Service Computation Date (SCD). The SCD is the date used to determine a technician's seniority or retention standing during a reduction in force based upon creditable federal civilian and military service. The SCD will be used as a tie-breaker if two or more technicians in the same Tenure Group have the same retention score.

(c) Technician Service Date (TSD). The TSD is based on the total service as a technician with the National Guard under a permanent, indefinite and temporary appointment, including technician service in other states. The TSD will only be used as a second tie-breaker in the event that two or more technicians have the same retention standing and service computation date.

4-3. All competing technicians are listed on the retention register for a competitive level based on the positions to which they are officially assigned. Competition in a RIF will also include technicians on annual leave and leave without pay. Technicians on military duty who are entitled to restoration rights do not compete when a RIF occurs in their absence. They will have restoration rights to another equivalent position even though their former position may have been abolished.

4-4. Status of technicians who are restored after active duty (Retention during RIF).

Section 4316(c) of Public Law 103-353 (Uniformed Services Employment and Reemployment Act) provides for retention of reemployed individuals as follows:

<b>LENGTH OF MILITARY SERVICE</b>	<b>RETENTION PERIOD</b>
<b>More</b> than 180 days	One Year
More than 30 days, but less than 181 days	180 days

Separation during the respective retention periods may only be for cause such as: (misconduct, delinquency, failure to meet military standards, performance deficiency, military/technician compatibility, etc.). Accordingly, reemployed individuals have retention rights (i.e., may not be released from their competitive level) since RIF is not considered "for cause".



**CHAPTER 6****DETERMINATION OF PLACEMENT OFFERS****6-1. PLACEMENT OFFERS.**

a. Each register containing more than one name will list the technicians by tenure and then by their retention scores to determine their standing. Placement offers and competition for vacant and occupied positions will occur in the following order:

(1) Placement in vacant positions at the same grade or representative rate.

(2) Through competition for occupied positions at the same grade or representative rate; the technician may be offered a position and may displace ("bump") the technician who currently occupies that position.

(3) Placement in vacant positions at lower grade levels or representative rate.

(4) Competition across competitive lines for occupied positions at lower grade levels or representative rates. An individual released from a higher graded position can only "bump" an incumbent of a lower graded position whose retention score is lower than the individual being released from the higher graded position.

**EXAMPLE:** A WG-8852-12 Aircraft Mechanic with a score of 75 that falls off the Aircraft Mechanic WG-8852-12 register can "bump" a WG-8852-10 Aircraft Mechanic with a score of 70 from the Aircraft Mechanic WG-8852-10 register.

Although this procedure may often cause a chain reaction within the competitive area, qualified technicians must be given this opportunity.

b. Technicians may not be offered positions with a grade or representative rate higher than their current position. Technicians are only entitled to one offer. This offer will be the occupied position they successfully competed for or a vacant technician position at a lower grade, if available. Those technicians who reject the offer or fail to reply to the offer within the specified time limit, will be separated. All technicians who cannot be placed will also be separated at the expiration of their 60-day specific notice.

**6-2. QUALIFICATIONS.**

a. Technicians must be fully qualified when competing for occupied technician positions. This means they must meet all qualifications in addition to the compatible military requirements for excepted technician positions.

**CHAPTER 7****RIF NOTICES**

7-1. **GENERAL NOTICES.** When it cannot be determined what specific personnel actions will take place during a RIF, general notices may be issued. A general notice informs a technician that a RIF action may be necessary, but that the HRO has not determined a specific action in his/her case. A general notice will be supplemented by a specific notice before a technician is released from his/her competitive level. The general notice does not count toward the 60-day notice period for the specific notice.

7-2. **SPECIFIC NOTICES.**

a. Before releasing a technician from his/her competitive level, he/she will be given a specific notice that states clearly what action will be taken and the effective date. The technician must receive the specific notice at least 60-days prior to the effective date of the personnel action. In counting the 60-day minimum notice period, Saturdays, Sundays, or legal holidays, will not be counted as the last day of the period. The effective date of the action will be postponed until the next business day. Specific notices will not be delivered or made effective during the period 15 December through 3 January.

b. A specific notice expires when it is followed by the action it specifies. When it becomes necessary to take action more severe than originally specified, a new 60-day notice must be issued. When possible, the technician will be allowed to remain in a duty and pay status during the notice period. The technician may be placed on annual leave, compensatory time off, leave without pay, or approved sick or military leave. However, in an emergency, if the MDNG lacks work or funds for all or part of the notice period, the technician may be placed in a nonpay status without his/her consent.

7-3. **REQUIRED INFORMATION FOR A SPECIFIC NOTICE.** When preparing these notices, the HRO will select the appropriate items for the required action. The following is a list of required information included in a specific notice:

- a. Reason(s) for the action.
- b. Specific action to take place (separation, furlough, offer of change to lower grade, etc.).
- c. Title, series, grade, and salary of current position.
- d. Competitive area and competitive level designated.
- e. Service computation date, technician service date, and retention rating.

**CHAPTER 8****OUTPLACEMENT ACTION**

8-1. **DOD PLACEMENT PROGRAM.** The following action will be taken when technicians who previously held competitive appointments and have career status are affected by RIF or a transfer of function: The HRO will interview the affected technicians to determine if they want placement assistance under the DOD priority placement programs.

8-2. **PRIORITY PLACEMENT.**

a. **Overgraded Technician List.** All technicians entitled to grade retention as a result of a RIF action, or their own voluntary change to lower grade (which reduced the chances of a RIF action) will have their names placed on the Overgraded Technician List (maintained in the HRO). Upon receipt of a Standard Form 52 (SF 52) requesting to advertise a Technician Position, and before the position can be advertised, the HRO must review the Overgraded Technician List. The names of all individuals (there is no minimum or maximum number required) found to meet the technician qualifications and military compatibility requirements of the position being filled are placed on a Selection Certificate, and forwarded with their applications to the Selecting Official. The Selecting Official must interview all individuals on the list; make a selection; and return the entire Selection Package to include a SF 52 indicating the individual selected to the HRO.

b. **Reasonable Offer.** The HRO, upon receipt of the Selection Package, will then make an offer (which must be reasonable) of the position being filled to the individual selected. For an offer to be considered reasonable it must meet the following conditions: (1) The offer must be in writing, and include an official position description of the offered position; and (2) The offer must inform the employee that entitlement to grade and pay retention will be terminated if the offer is declined, and that the employee may appeal the reasonableness of the offer as provided in the appropriate regulations; and (3) The offered position must be of tenure equal to or greater than that of the position which created the individual's grade retention entitlement; and (4) The offered position must be of a grade equal to or higher than the employee's retained grade; and (5) The offered position must be full-time, unless the employee's position immediately before the change creating entitlement to grade retention was less than full-time, in which case the offered position must have a work schedule of no less time than that of position held before the change; and (6) The offered position must be in the same commuting area as the employee's position immediately before the offer.

**CHAPTER 9****MAINTENANCE OF RECORDS AND FILES**

The maintenance and disposition of all RIF records and files will be in accordance with AR 25-400-2 or AFI 37-138. RIF files must contain all records necessary to reconstruct the RIF, and show how retention standings and personnel actions were completed. The files should include The Adjutant General or National Guard Bureau authorization for a RIF, any manpower documents used, retention registers, copies of general and specific notices, rationale for establishment of the competitive area; documentation of exception to the order of release, and any other pertinent documents. The entries in the remarks column of each register should show what action was taken for each technician.

(5) Eligibility for severance pay, optional retirement, and discontinued service retirement as provided for in FPM Supplement 990-2, **Book 550; and U.S. OPM Operating Manual 830-1.**

b. Other technicians, if eligible, may volunteer to transfer in place of the incumbents of positions assigned to the transferring unit. Individuals who volunteer must meet technician position qualifications and military compatibility requirements. The HRO of the losing state will advise technicians who do not transfer with their unit about available placement assistance, including Department of Defense and Office of Personnel Management placement programs. Management has the option to reassign individuals to an organization whose function will not transfer to another area. However, the losing state is not obligated to conduct a RIF in order to place technicians who do not transfer with their unit. If placement opportunities do not exist, such technicians will be separated.

c. The gaining state will assist the losing state by providing information such as housing, schools, employment site, etc., to those technicians transferring with their unit. If the transfer would result in an excess number of technicians transferring to the gaining state, RIF procedures will be used before technicians are physically relocated to the new state.

1 August 1997

Users of this publication are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to MDNG-AG-HRO, 5th Regiment Armory, Baltimore, Maryland 21201-2288

BY THE ORDER OF THE GOVERNOR:

JAMES F. FRETTERD  
Lieutenant General (MD), MDNG  
The Adjutant General

OFFICIAL:

CAROLE A. BRISCOE  
Colonel, GS, MDARNG  
Human Resource Officer

DISTRIBUTION:

- 1 - Each Full-Time Support Manager/Supervisor (Army/Air)
- 1 - NAGE Local R3-81
- 1 - NFFE Local 1692
- 1 - Each Bulletin Board



RETENTION REGISTER

PAY PLAN	TENURE GROUP	EXCEPTED SERVICE COMPETITIVE SERVICE	COMPETITIVE LEVEL	
NAME	POSITION TITLE, PAY PLAN, SERIES AND GRADE	RETENTION STANDING	Avg. Last ) Rat Itlgs	REMARKS
		Technician Performance SCD (For Ties) Tech Svc Me (Further Ties)		
		Technician Performance SCD (For Ties) Tech Svc Dte (Further Ties)		
		Technician Performance SCD (For Ties) Tech Svc Dte (Further Ties)		
		Technician Performance SCD (For Ties) Tech Svc Dte (Further Ties)		
		Technician Performance SCD (For Ties) Tech Svc Dte (Further Ties)		
		Technician Performance SCD (For Ties) Tech Svc Dte (Further Ties)		
		Technician Performance SCD (For Ties) Tech Svc Dte (Further Ties)		
		Technician Performance SCD (For Ties) Tech Svc Me (Further Ties)		