

Archived Information

U.S. DEPARTMENT OF EDUCATION PERSONNEL MANUAL INSTRUCTION	PMI <u>330-2</u> DATE <u>Nov. 21, 1997</u> APPROVED: <u>VERONICA D. TRIETSCH</u> DIRECTOR, HUMAN RESOURCES GROUP
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SUBJECT: Career Transition Assistance Plan

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I. GENERAL

A. Purpose

To establish policies and procedures concerning the operation of the Department of Education (ED) Career Transition Assistance Plan (CTAP).

B. Effective Date

This plan is effective immediately. The plan will remain in effect through September 30, 1999, unless further extended by the Office of Personnel Management (OPM) because of severe downsizing.

C. Reference

5 Code of Federal Regulations (CFR), Part 330, Subpart F (Career Transition Assistance for Surplus and Displaced Federal Employees, dated 06/09/97).

D. Policy

It is the policy of this Department to help surplus and displaced employees so that they can further their own careers and find other employment, either within ED, other federal agencies, or the private sector. In accordance with regulatory criteria, ED will:

1. Provide career transition services to all surplus and displaced employees, including excepted service and Senior Executive Service (SES) employees. In the Washington, DC metropolitan area, ED will encourage and allow surplus and displaced employees the opportunity to use the full range of services offered through the Interagency Career Transition Center. ED will ensure that regional employees will have access to similar facilities in their own localities.
2. Provide special selection priority for eligible surplus and displaced employees ED-wide; and
3. Maintain operation of the Reemployment Priority List (RPL) under Subpart B of 5 CFR 330 to provide rehiring priority to eligible displaced employees.

E. Responsibilities

1. The Director, Human Resources Group (HRG), is responsible for (1) developing the Department's CTAP; (2) coordinating the development of training on career transition services with the Director, Training and Development Group (TDG); (3) establishing procedures for special selection priority for eligible employees; (4) operating the RPL; (5) providing leadership in identifying sources of career transition information and services; (6) directing activities related to the certification of employees' expected separation and reduction-in-force (RIF); (7) arranging for on-site Employee Assistance Program (EAP) counseling as requested by eligible employees; (8) assuring effective coordination with field and regional offices; (9) providing information and guidance to employees on the plan; (10) designating the Selective Placement Coordinator; and (11) maintaining ongoing interaction and coordination with the union.
2. The Director, Training and Development Group, is responsible for (1) developing ED's training counseling, and employment-readiness services(including retraining) as they relate to the CTAP (2) entering into agreements with contractors and outside organizations such as consortia and the Interagency Career Transition Center, for the provision of career transition services (3) coordinating the development of training on career transition services with the Director, HRG; (4) identifying and purchasing appropriate career transition software, publications and related material; (5) providing on-site assistance on the use of tools and information to eligible employees using the facility; (6) assuring the availability, where appropriate, of long distance learning facilities (e.g. video conferencing) for surplus and displaced employees in remote locations;7)serving as contact monitor for contractual career transition services; (8) arranging for reasonable accommodation for eligible disabled employees, upon their request, so that they may have access to and take advantage of career transition services and facilities; (9) maintaining ongoing coordination with the union and with field and regional staff; and (10) informing eligible employees of other sources of assistance and/or information.
3. The Director, Labor Relations Group, is responsible for full coordination with the union in the development and implementation of all aspects of the CTAP. These shall include renegotiation of the agency contract, when appropriate, to incorporate the principles and the provisions of the Plan.
4. Eligible employees are responsible for making use of ED transition services and facilities, and, when appropriate, submitting the required

documentation to receive special selection priority. When applying for specific vacancies, employees should ensure that their resumes or applications speak directly to the knowledge, skills, and abilities (KSAs) required for the position.

5. The Selective Placement Coordinator (or designee) is responsible for coordinating all aspects of ED's CTAP (e.g. training, retraining, special selection priority) and assuring that reports, as required by 5 CFR Section 330.610, will be submitted to OPM by December 31 of each year. The coordinator will be identified upon implementation of the plan and will assure effective partnerships with the union in all areas of responsibility. The Regional Personnel Officers are responsible for designating coordinators in each of the regional offices.

F. Definitions

1. Surplus employee

- (a) A current agency employee serving under an appointment in the competitive service, in tenure group I or II, at grade levels GS-15 or equivalent and below, who has received a certificate of expected separation (CES) or other official certification issued by the agency indicating that the position is surplus, for example, a notice of position abolishment, or a notice stating that the employee is eligible for discontinued service retirement; or
- (b) A current ED employee serving on an excepted service appointment without time limit, at grade levels GS-15 or equivalent and below, who has been issued a CES separation or other agency certification indicating that his or her position is surplus, for example, a notice of position abolishment or a notice stating that the employee is eligible for discontinued service retirement, and who has been conferred noncompetitive appointment eligibility and special selection priority by statute for positions in the competitive service; and
- (c) A current ED employee serving on a schedule A or B excepted appointment without time limit, at grade levels GS-15 or equivalent and below, and who is in receipt of a CES or other official agency certification indicating that his or her job is surplus, for example, a notice of position abolishment, or an official notice stating that the employee is eligible for discontinued service retirement; or an employee who has received RIF notices of separation, or a notice of proposed removal for declining a transfer of function or directed reassignment outside of the local commuting area. Such employee may exercise selection

priority for permanent excepted service positions within the agency's local commuting area, provided the position to which appointed has the same appointing authority, i.e., Schedule A or B, as the position from which being separated.

2. Displaced employee

- (a) A current career or career conditional competitive service ED employee in tenure group I or II who received a specific RIF notice of proposed removal for declining a directed reassignment or transfer of function outside of the local commuting area; or
- (b) A current ED employee in the excepted service, serving on an appointment without time limit, at grade levels GS-15 or equivalent and below, who has been given noncompetitive appointment eligibility and selection priority by statute for positions in the competitive service and who is in receipt of a RIF separation notice or notice of proposed removal for declining a transfer of function or directed reassignment outside of the local commuting area.

3. Eligible employee - a surplus or displaced employee who meets all applicable eligibility conditions including:

- (a) Has a current performance rating of record of at least fully successful (passing) or equivalent.
- (b) Applies for a vacancy that is at or below the grade level (with no greater promotion potential) from which the employee has been or is being separated.
- (c) Occupies a position in the same local commuting area of the vacancy.
- (d) Files an application for a specific vacancy within the timeframe established by ED.
- (e) Is determined by ED to be well-qualified for the specific vacancy for which the individual applied.

4. Local commuting area - the geographic area that usually constitutes 1 area for employment purposes as determined by ED.

5. Special selection priority - the priority that eligible employees have for selection to vacancies over any other candidate for vacancies in the

local commuting area for which they apply and are found well-qualified.

6. Vacancy - a competitive service position filled for a total of 121 days or more, including extensions, which the agency is filling, regardless of whether the agency issues a specific vacancy announcement.
7. Well-qualified employee - an eligible employee who satisfies the criteria in either paragraph (7) (a) or (7) (b) of this section as determined and consistently applied by ED:
 - (a) (i) meets the qualification eligibility requirements for the position, including any medical qualifications, suitability, and minimum educational and experience requirements;
 - (ii) meets all selective factors where applicable. Meets appropriate quality rating factor levels as determined by the agency. Selective and quality ranking factors cannot be so restrictive that they run counter to the goal of placing displaced employees.
 - (iii) is physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position;
 - (iv) meets any special qualifying condition(s) that OPM has approved for the position; and
 - (v) is able to satisfactorily perform the duties of the position upon entry; or
- (b) Is rated as well-qualified by either receiving a score of 85 in comparison with the KSAs criteria; or by receiving a score that would place the candidate among the best qualified group of merit promotion candidates.

II. CAREER TRANSITION SERVICES

A. Eligibility

All surplus and displaced ED employees including those in the excepted service and SES are eligible to participate in ED's career transition services.

B. Training

During the first year of implementation of the CTAP and the Interagency

Career Transition Assistance Program, training will be provided to agency employees, managers, supervisors, and union representatives on the program procedures and career transition services available. In addition, training will be available on an as needed basis during a RIF or downsizing situation.

C. Access to Services

1. Excused Absence. Eligible employees will be given excused absence for a reasonable period of time to use services and facilities unless there are compelling program related reasons to deny the excused absence.
2. Field Offices and Remote Sites. Employees in field offices and remote sites will be notified by their Selective Placement Coordinator of career transition services, and, where applicable, a point of contact will be established. Subject to the number of employees involved, the Department will schedule sessions with an ED representative or counselor at the remote site, refer employees to equivalent services offered by other agencies, pay for eligible employees to travel to regional offices or headquarters and/or make information available in a computer-based environment.
3. Inclusive Coverage. HRG and TDG will provide access to all services to employees in regional offices, to employees with disabilities, and to employees who have been separated.

D. Services Provided

Eligible employees will be provided information about career transition services, as follows:

1. ED will provide information about the availability of federal, state, and local assistance to support career transition for employees, including those with disabilities.
2. ED will retrain eligible employees, where appropriate, for internal placement. Retraining for new career opportunities in other federal government agencies may also be made available. At the earliest time possible (up to 6 months prior to the expected effective date of a RIF), ED will issue CESs to employees expected to be separated through RIF so that they may immediately qualify for programs under the Job Training Partnership Act administered by the Department of Labor (DOL).
3. Designated computer terminals and appropriate software will be made

available to employees in order to conduct job searches from government and other computer-based job information sources.

4. ED will purchase relevant publications, videos, books, and/or software for use by surplus or displaced employees. In addition, pertinent classes related to career transitioning, such as resume writing, job search techniques, and the development of entrepreneurial skills will be made available.
5. ED's EAP will provide active involvement in support of the agency's Career Transition Objectives. At both headquarters and regional facilities, EAP will offer individual and family counseling in such areas as financial planning, stress management, and motivation assistance.

III. SPECIAL SELECTION PRIORITY

ED will provide special selection priority to a well-qualified eligible surplus or displaced ED employee who applies for ED's vacancies in the local commuting area before selecting any other candidate from within or outside the Department.

A. Eligibility

1. Requirements. To be eligible for selection priority, an individual must meet all of the following conditions: (1) is a surplus or displaced ED employee serving under an appointment in the competitive service or excepted service as defined in Section F of this PMI; (2) has a current performance rating of at least fully successful (passing); (3) applies for a vacancy at or below the grade level from which the employee may be or is being separated, that does not have greater promotion potential than the position from which the employee may be or is being separated; (4) occupies a position in the same local commuting area of the vacancy within the timeframes established by ED; and (5) is determined by ED to be well-qualified for the specific vacancy.

An employee must still be on the rolls to be eligible for selection priority under CTAP.

2. Effective Date of Eligibility. Eligibility begins on the date ED issues a RIF separation notice, CES, notice of proposed separation for declining directed reassignment or transfer of function outside of the local commuting area, or other official agency certification identifying the employee as being in a surplus organization or occupation, whichever is earliest. (The CES immediately qualifies employees for programs under the Job Training Partnership Act administered by DOL.)

3. Expiration of Eligibility. Eligibility expires on the earliest of:

- (1) the RIF separation date, the date of resignation from ED, or the date of separation under adverse action procedures for declining a directed reassignment or transfer of function to another local commuting area;
- or (2) the cancellation of the notice or certification described in 2 above;
- or (3) when an eligible employee receives a career, career-conditional, or excepted appointment without time limit in any agency;
- or (4) when an employee declines a career, career conditional, or excepted appointment without time limit within ED, for which the employee has applied and been rated well- qualified.

B. Order of Selection for filling Competitive Vacancies From Within ED.

Except as outlined below, ED must select an eligible employee as described in Section III, A, above before selecting any other candidate from within or outside ED, unless doing so would cause another employee to be separated by RIF.

The exceptions to this requirement are as follows:

1. placement of an ED employee through reassignment, change to lower grade, or promotion, when no employees eligible under this subpart apply;
2. reemployment of a former ED employee exercising regulatory or statutory reemployment rights;
3. position changes resulting from classification or reclassification actions;
4. position changes resulting from disciplinary actions;
5. temporary appointments of under 121 days (including extensions);
6. exchange of positions between or among ED employees, when the actions involve no increase in grade or promotion potential;
7. conversion of an employee on an excepted appointment which confers eligibility for noncompetitive conversion into the competitive service;
8. placement activities under 5 CFR 351;
9. noncompetitive placement of an employee into a new position as a result of a reorganization, when the former position ceases to exist, and no actual vacancy results;

10. placements made under the Intergovernmental Personnel Act where they are for critical situations where the failure to make the assignment would substantially harm federal interests;
11. the filing of a position through excepted appointments;
12. details;
13. time limited promotions of under 121 days;
14. noncompetitive movement of surplus or displaced employees within ED, and within the same local commuting area;
15. movement of excepted service employees within ED;
16. a placement under 5 United States Code (U.S.C.) 8337 or 8451 to allow continued employment of an employee who has become unable to provide useful and efficient service in his or her current position because of a medical condition;
17. a placement that is a "reasonable offer" as defined in 5 U.S.C. 8336 (d) and 8414 (b);
18. career ladder promotions;
19. recall of seasonal employees from nonpay status;
20. the internal placement of an injured or disabled worker whose agency has identified a position for which he or she can be reasonably accommodated;
21. an action taken by ED pursuant to the settlement of, or a decision in, a formal complaint, grievance, appeal, or other litigation;
22. an action taken to return an employee to his or her original or similar position during a supervisory probationary period;
23. the retention of individuals whose positions are brought into the competitive service under 5 U.S.C. 316.701 or 316.702 and subsequent conversion, when applicable under 5 U.S.C 315.701;
24. the retention of an employee for whom OPM has approved a rule 5.1 variation;
25. the selection of an employee from within a component of an agency within the local commuting area, after all eligible surplus and displaced

applicants of that component who are eligible under CTAP within the local commuting areas have been accorded selection priority;

26. the reemployment of a former ED employee who retired under a formal trial retirement and reemployment program, and who seeks reemployment with ED under the program's provisions, and within the program's applicable time limits;
27. extensions of temporary or term actions, up to the full period allowed, provided that the original action, upon which the extension is based, was made on or before February 29, 1996; or for actions initially made after February 29, 1996, the original vacancy announcement must have specified that the position was open to CTAP candidates and that if they were found well-qualified, would be afforded selection priority. The original announcement must have stated that an extension was possible without further announcement;
28. noncompetitive movement of displaced employees between agencies as a result of reorganization, transfer of function, or mass transfer; and
29. the placement of a member of the SES under 5 U.S.C. 3594.

C. Agency Notification

Information about the special selection priority plan will be provided to eligible ED employees who receive a specific RIF separation notice, CES, or other certification that identifies them as a surplus employee. In addition, ED will notify eligible employees of all ED vacancies and will explain what is required for them to be determined as well-qualified for each vacancy.

ED will provide written notification to each surplus and displaced employee who applies for specific vacancies within its local commuting area advising them of the results of their application, and whether or not they were found well-qualified. If they are not found well-qualified, such notice must include information on the results of an independent, second review conducted by ED. In addition, if an applicant is found well-qualified, and another well-qualified surplus or displaced candidate is selected, the applicant must be so advised.

D. Application

To receive special selection priority, an eligible employee must:

1. apply for a specific ED vacancy in the same local commuting area as the position the employee occupies within the prescribed timeframes;

2. attach proof of eligibility (i.e. RIF separation notice, CES, or other equivalent agency certification); and

3. be determined well-qualified by ED for the specific vacancy.

E. Selection

Displaced ED employees will be selected prior to surplus employees. If 2 or more eligible displaced employees apply for a vacancy and are determined to be well-qualified any one of these employees may be selected. If among a group of applicants only surplus employees are determined to be well-qualified any one may be selected. Candidates from within or outside ED cannot be selected if eligible well-qualified displaced or surplus agency employees are available.

F. Qualification Reviews

Whenever an eligible employee is determined not to be well-qualified by the rating panel, a review of this determination will be made by 2 subject matter experts (SMEs) who did not serve as members of the rating panel. One SME will be designated by a HRG official and the other will be designated by the union. A SME may not be a supervisory or union official.

The request for a SME from the union will be in writing and require a response within 3 workdays or HRG will designate the SME. This review will be documented and the employee will be advised in writing of the results of the second review.

IV. REEMPLOYMENT PRIORITY LIST

At such time as an RPL may be needed, ED will follow the Reemployment Priority Program as outlined in PMI 330-1. This plan is in compliance with Subpart B of 5 CFR 330.