



**U.S. OFFICE OF PERSONNEL
MANAGEMENT**

**OFFICE OF EMPLOYMENT POLICY
STAFFING AND RESTRUCTURING
POLICY DIVISION**

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- **TODAY'S TOPIC IS:
“POSITION MANAGEMENT--
THE PERSONNEL RULES OF
THE GAME”**

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**RESTRUCTURING INFORMATION FROM
OPM-
RIH MODULES**

- **RESTRUCTURING INFORMATION
HANDBOOK MODULES**
- **FIVE AVAILABLE ON WEBSITE**
- **NINE 2001 UPDATES AVAILABLE FROM
OPM VIA E-MAIL BEFORE POSTING ON
WEBSITE**

DOWNSIZING INFORMATION FROM OPM- RIH MODULE 3

- **RIH MODULE 3--REDUCTION IN FORCE
(May 2001):**
- **Unit A (Required Procedures)**
- **Unit B (Guidance)**
- **Unit D (Sample Notices)**
- **Unit E (RIF Service Credit)**

DOWNSIZING INFORMATION FROM OPM- RIH MODULE 3

- **RIH MODULE 3--REDUCTION IN FORCE
(May 2001):**
- **SECTION 6 COVERS REORGANIZATION,
MISCLASSIFICATION, AND JOB
EROSION.**

WHAT IS POSITION MANAGEMENT?

- **“POSITION MANAGEMENT” IS THE AGENCY’S PROCESS OF ESTABLISHING AND MAINTAINING POSITIONS IN ORDER TO PERFORM THE AGENCY’S LEGALLY ASSIGNED WORK IN THE MOST EFFECTIVE AND EFFICIENT MANNER.**

HOW DO AGENCIES MOST FREQUENTLY USE POSITION MANAGEMENT?

- **POSITION MANAGEMENT IS USED TO:**
- **(1) MAINTAIN POSITIONS IN A CURRENT ORGANIZATION**
- **(2) REORGANIZE POSITIONS IN A CURRENT ORGANIZATION, OR**
- **(3) ESTABLISH POSITIONS IN A NEW ORGANIZATION.**

WHAT CAN POSITION MANAGEMENT INCLUDE?

- **POSITION MANAGEMENT CAN RANGE FROM AUDITING A SINGLE POSITION IN THE CURRENT ORGANIZATION TO DETERMINING THE ENTIRE AGENCY'S HUMAN CAPITAL NEEDS YEARS INTO THE FUTURE.**

WHAT IS THE STARTING POINT FOR EFFECTIVE POSITION MANAGEMENT?

- **THE STARTING POINT FOR EFFECTIVE POSITION MANAGEMENT IS THE ACTIVITY'S “PERSONNEL ROSTER.”**
- **THE ROSTER IS SOMETIMES CALLED A “MANNING DOCUMENT” OR “STAFFING ROSTER.”**

WHAT IS A PERSONNEL ROSTER?

- **A “PERSONNEL ROSTER” LISTS EACH POSITION IN THE ACTIVITY BY ORGANIZATION, GRADE, CLASSIFICATION SERIES, AND LOCATION.**

**WHAT ELSE CAN BE INCLUDED ON A
PERSONNEL ROSTER?**

- **THE AGENCY MAY ALSO EXPAND A
PERSONNEL ROSTER TO COVER
ADDITIONAL ITEMS SUCH AS NAMES,
APPOINTING AUTHORITIES, WORK
SCHEDULES, AGE, AND DATE OF
INITIAL RETIREMENT
ELIGIBILITY.**

**WHY IS A PERSONNEL ROSTER
IMPORTANT IN POSITION MANAGEMENT?
PART ONE**

- **ROLE ONE--IN MAINTAINING THE CURRENT ORGANIZATION, THE PERSONNEL ROSTER ASSISTS LINE MANAGERS AND PERSONNELISTS IN EVALUATING WHETHER THE PRESENT POSITIONS ARE CONSISTENT WITH BOTH THE ACTIVITY'S MISSION(S), AND APPLICABLE PERSONNEL REQUIREMENTS.**

**WHY IS A PERSONNEL ROSTER
IMPORTANT IN POSITION MANAGEMENT?
PART TWO**

- **ROLE TWO--IN REORGANIZING THE CURRENT ORGANIZATION OR ESTABLISHING A NEW ORGANIZATION, THE BEFORE AND AFTER PERSONNEL ROSTERS ASSIST LINE MANAGERS AND PERSONNELISTS IN PLANNING FOR THE MOST EFFICIENT PERFORMANCE OF THE ACTIVITY'S MISSION(S).**

**IMPLEMENTING POSITION
MANAGEMENT-WHAT ARE THE
PERSONNEL RULES OF THE GAME?**

- **AN EMPLOYEE'S RIGHTS AND BENEFITS ARE BASED UPON THE EMPLOYEE'S OFFICIAL POSITION OF RECORD.**
- **(1) UNITED STATES v. TESTAN, 424 U.S. 392 (1976)**
- **(2) TREESE v. POSTAL SERVICE, 77 M.S.P.R. 187 (1998)**

**IMPLEMENTING POSITION
MANAGEMENT-WHAT ARE THE
PERSONNEL RULES OF THE GAME?**

- **AN OFFICIAL PERSONNEL ACTION IS REQUIRED TO MOVE THE EMPLOYEE FROM THE EMPLOYEE'S OFFICIAL POSITION OF RECORD TO A DIFFERENT POSITION.**

**IMPLEMENTING POSITION
MANAGEMENT-AN IMPORTANT
PERSONNEL RULE OF THE GAME**

- **(EXCEPT IN A CONSTRUCTIVE
DEMOTION SITUATION), AN AGENCY
ALWAYS HAS THE RIGHT TO REASSIGN
AN EMPLOYEE TO ANY POSITION AT
THE SAME GRADE WITHOUT REGARD
TO RELATIVE RETENTION STANDING,
OR LOCATION OF THE POSITION.**

**IMPLEMENTING POSITION
MANAGEMENT-WHAT IS CONSTRUCTIVE
DEMOTION? PART ONE**

- **CONSTRUCTIVE DEMOTION OCCURS WHEN AN AGENCY REASSIGNS AN EMPLOYEE FROM A POSITION THAT HAS BEEN CLASSIFIED TO A HIGHER GRADE AFTER:
(1) CORRECTION OF A CLASSIFICATION ERROR,
OR (2) IMPLEMENTATION OF A NEW STANDARD.**

**IMPLEMENTING POSITION
MANAGEMENT-WHAT IS CONSTRUCTIVE
DEMOTION? PART TWO**

- **IF THE REASSIGNED EMPLOYEE MEETS THE QUALIFICATIONS FOR THE HIGHER-GRADED POSITION, THE REASSIGNED EMPLOYEE HAS BEEN REACHED FOR A CONSTRUCTIVE DEMOTION ADVERSE ACTION.**

**IMPLEMENTING POSITION
MANAGEMENT-WHAT IS CONSTRUCTIVE
DEMOTION? PART THREE**

- **FOR MORE INFORMATION ON
CONSTRUCTIVE DEMOTION,
REFERENCE:**
- **(1) RUSSELL v. NAVY, 6 M.S.P.R. 698 (1981),**
- **(2) CRUM v. NAVY, 75 M.S.P.R. 76 (1997)**
- **(3) HOGAN v. NAVY, 81 M.S.P.R. 252 (1999)**

**IMPLEMENTING POSITION
MANAGEMENT-WHAT ARE THE
PERSONNEL RULES OF THE GAME?**

- **POSITION MANAGEMENT MAY INVOLVE ONE OR MORE OF THE FOLLOWING PERSONNEL ACTIONS:**
 - **(1) REORGANIZATION**
 - **(2) JOB EROSION**
 - **(3) MISCLASSIFICATION**
 - **(4) ACCRETION OF DUTIES**

WHEN IS POSITION MANAGEMENT A REORGANIZATION? PART ONE

- **A POSITION DESCRIPTION CHANGE IN THE DUTIES, RESPONSIBILITIES, OR QUALIFICATIONS OF ONE OR MORE POSITIONS IN AN ORGANIZATION IS A REORGANIZATION.**

WHEN IS POSITION MANAGEMENT A REORGANIZATION? PART TWO

- **THE ESTABLISHMENT, OR ABOLISHMENT, OF ONE OR MORE POSITIONS IN AN ORGANIZATION IS A REORGANIZATION.**

WHEN IS POSITION MANAGEMENT A REORGANIZATION? PART THREE

- **A CHANGE IN REPORTING RELATIONSHIPS WITHIN AN ORGANIZATION IS A REORGANIZATION.**

WHAT IS A REORGANIZATION?

- **5 CFR 351.203 STATES**
“REORGANIZATION MEANS THE PLANNED ELIMINATION, ADDITION, OR REDISTRIBUTION OF FUNCTIONS OR DUTIES IN AN ORGANIZATION.”

WHAT IS A REORGANIZATION (MORE)?

- **UNDER 5 CFR 351.203, A REORGANIZATION IS A MANAGEMENT-INITIATED CHANGE IN ONE OR MORE POSITIONS IN AN ORGANIZATION, OR IN REPORTING RELATIONSHIPS WITHIN AN ORGANIZATION.**

APPEALS DECISIONS-WHEN DO OPM'S RIF REGULATIONS APPLY TO A REORGANIZATION?

- **OPM'S RIF REGULATIONS APPLY WHEN AN EMPLOYEE IS SEPARATED OR DOWNGRADED AS A RESULT OF THE REORGANIZATION:**
- (1) **SHIEFER v. LABOR, 39 M.S.P.R. 34** (1988), (e.g., 6 year lag in implementation)
- (2) **BARRY v. FLRA, 74 M.S.P.R. 159** (1997), (e.g., 9 year lag in implementation)

WHAT IS JOB EROSION? PART ONE

- **WITH JOB EROSION, THE GRADE OF THE POSITION IS REDUCED BECAUSE OF UNDOCUMENTED GRADUAL CHANGES TO:**
- **(1) A POSITION'S DUTIES, RESPONSIBILITIES, OR QUALIFICATIONS, AND/OR**
- **(2) THE REPORTING RELATIONSHIPS IN AN ORGANIZATION.**

WHAT IS JOB EROSION? PART TWO

- **5 CFR 351.202(c)(3) EXCLUDES FROM OPM'S RIF REGULATIONS "A CHANGE TO LOWER GRADE BASED ON RECLASSIFICATION OF AN EMPLOYEE'S POSITION DUE TO EROSION OF DUTIES"**

WHAT IS JOB EROSION? PART THREE

- **THE APPELLANT CANNOT IDENTIFY A REASON, OR A TIME FRAME, IN WHICH THE APPELLANT'S POSITION OR ORGANIZATION CHANGED IN A MANNER TO REDUCE THE GRADE OF THE POSITION.**

WHAT IS NOT JOB EROSION? PART ONE

- **A DOWNGRADE RESULTING FROM A PLANNED MANAGEMENT ACTION IS NOT JOB EROSION, BUT INSTEAD IS A REORGANIZATION COVERED BY OPM'S RIF REGULATIONS.**

WHAT IS NOT JOB EROSION? PART TWO

- **THE TEST IS WHETHER THE APPELLANT CAN IDENTIFY A REASON OR TIME FRAME IN WHICH THE APPELLANT'S POSITION, OR ORGANIZATION, CHANGED IN A MANNER TO REDUCE THE GRADE OF THE POSITION.**

APPEALS DECISIONS-WHAT IS NOT JOB EROSION?

- **A PLANNED MANAGEMENT ACTION IS
A REORGANIZATION, NOT JOB
EROSION--**
- **(1) HARDY v. ARMY, 67 M.S.P.R. 292
(1995)**
- **(2) SHIFFLET v. NAVY, 83 M.S.P.R. 472
(1999)**
- **(3) HABDAS v. NAVY,
84 M.S.P.R. 412 (1999)**

WHAT IS MISCLASSIFICATION? PART ONE

- **MISCLASSIFICATION RESULTS WHEN THE GRADE OF A POSITION CHANGES BECAUSE OF--**
- **(1) CLASSIFICATION ERROR, OR**
- **(2) A NEW CLASSIFICATION STANDARD**

WHAT IS MISCLASSIFICATION? PART TWO

- **WITH MISCLASSIFICATION, THE GRADE OF THE POSITION CHANGES WITH NO CHANGE TO THE POSITION'S DUTIES, RESPONSIBILITIES, QUALIFICATIONS, OR REPORTING RELATIONSHIPS.**

**MISCLASSIFICATION IS NOT APPEALABLE
TO MSPB**

- **UNDER 5 U.S.C. 5366(b)(1),
MISCLASSIFICATION IS NOT
APPEALABLE TO MSPB.**

MISCLASSIFICATION IS NOT APPEALABLE TO MSPB

- **REFERENCE:**
- (1) **ATWELL v. MSPB, 670 F.2d 272 (1981)**
- (2) **SAUNDERS v. MSPB, 757 F.2d 1288 (1985)**
- (3) **GRUBB v. INTERIOR, 73 M.S.P.R. 290 (1997)**
- (4) **CRUM v. NAVY, 75 M.S.P.R. 75 (1997)**

**WHAT IF MISCLASSIFICATION IS
ACTUALLY A REORGANIZATION
DEMOTION?**

- **MSPB WILL DETERMINE IF A
DOWNGRADE RESULTED FROM A
MANAGEMENT-INITIATED CHANGE IN
DUTIES RATHER THAN FROM
MISCLASSIFICATION.**

**WHAT IF MISCLASSIFICATION IS
ACTUALLY A REORGANIZATION
DEMOTION?**

- **Reference:**
- (1) **BURWELL v. ARMY, 78 M.S.P.R. 645**
(1998)
- (2) **BOLTON v. ARMY, 79 M.S.P.R. 333**
(1998)
- (3) **BOUDREAUX v. ARMY, 82 M.S.P.R. 393**
(1999)

WHAT IS ACCRETION OF DUTIES? PART ONE

- **WITH ACCRETION, THE GRADE OF THE POSITION IS INCREASED BECAUSE OF UNDOCUMENTED CHANGES TO:**
- **(1) A POSITION'S DUTIES, RESPONSIBILITIES, OR QUALIFICATIONS, AND/OR**
- **(2) THE REPORTING RELATIONSHIPS IN AN ORGANIZATION.**

WHAT IS ACCRETION OF DUTIES? PART TWO

- **THE AGENCY CANNOT IDENTIFY A REASON OR TIME FRAME IN WHICH THE APPELLANT'S POSITION, OR ORGANIZATION, CHANGED IN A MANNER TO INCREASE THE GRADE OF THE POSITION.**

WHAT IS ACCRETION OF DUTIES? PART THREE

- **ACCRETION OF DUTIES IS INTENDED AS THE CONVERSE TO JOB EROSION.**
- **ACCRETION OF DUTIES IS NOT APPEALABLE TO MSPB BECAUSE THE EMPLOYEE IS NOT INVOLUNTARILY SEPARATED OR DOWNGRADED.**

WHAT IS ACCRETION OF DUTIES? PART FOUR

- **PROMOTION BASED UPON ACCRETION OF DUTIES IS A DISCRETIONARY EXCEPTION TO MERIT PROMOTION COMPETITION.**
- **Reference: 5 CFR 335.103(c)(3)(ii)**

WHAT IS ACCRETION OF DUTIES? PART FIVE

- **EACH AGENCY SHOULD ESTABLISH A POLICY SETTING CRITERIA FOR NONCOMPETITIVE PROMOTION BASED ON THE ACCRETION OF DUTIES EXCEPTION TO LIMIT NONCOMPETITIVE PROMOTION ACTIONS TO BONA FIDE SITUATIONS.**

EFFECTIVE POSITION MANAGEMENT WRAP UP

- **THE THREE STEPS FOR EFFECTIVE POSITION MANAGEMENT:**
- **(1) DETERMINE THE PROGRAM GOALS FOR THE ORGANIZATION.**
- **(2) DEVELOP PERSONNEL ROSTERS BASED UPON THESE GOALS.**
- **(3) LEARN AND APPLY THE PERSONNEL RULES OF THE GAME TO REACH THE GOALS.**