

Release and Assignment Rights

Running the competition: who gets released, when you must keep someone, and what an employee is entitled to be offered

U.S. Office of Personnel Management

Workforce Policy & Innovation

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As corrected by 91 FR 54794 (Aug. 25, 2026) — non-substantive; effective date unchanged

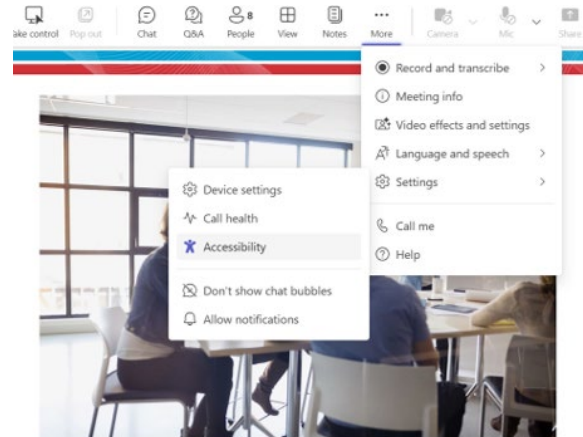
Housekeeping items

- A copy of this presentation is posted on OPM's Reductions in Force (RIF) page: opm.gov/policy-data-oversight/workforce-restructuring/reductions-in-force-rif
- Ask questions in the Q&A, but please wait until a topic is covered so you are not posting a question that has already been answered.
- Time is built in at appropriate points to take questions.

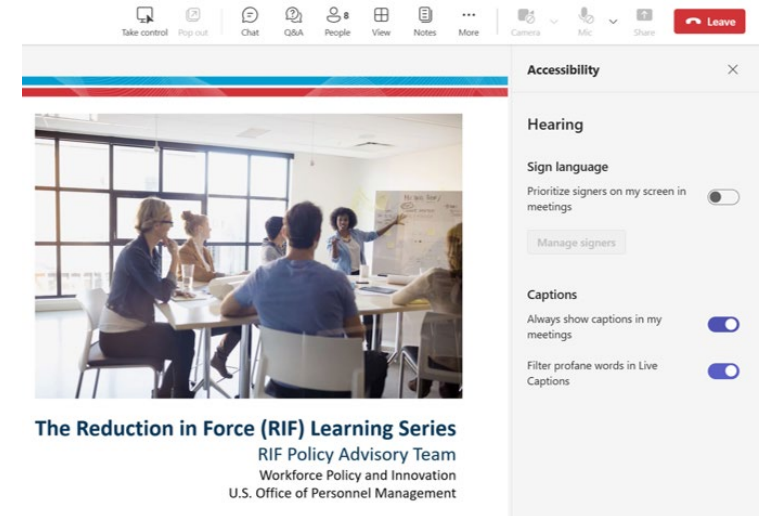
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M2

Module 2 recap

Coverage and retention standing - what Module 3 builds on

What Module 2 covered

Steps 1 through 6 of the nine-step process. Module 3 is step 7.

1 Define the area

Organizational units on the official chart, approved at headquarters level. OPM approval if the area changes within 90 days of notices.

2 Build the levels

Interchangeable positions grouped by grade, series, duties and conditions - built from position descriptions, never from individuals.

3 Who competes

Competitive and excepted service on separate registers. Probationers, trial-period employees, Schedule C and G, and appointments of a year or less do not compete.

4 Performance credit

The three most recent ratings from the four-year window, scored 7, 5, 3, 0, 0. Proxy values where fewer than three exist.

5 Preference points

Plus 5 for a 30 percent or more compensably disabled preference eligible, plus 3 for any other preference eligible, zero otherwise.

6 Rank the register

Total credit first, then tenure subgroup, then service computation date. Release runs from the bottom of the register up.

What to carry into Module 3

Four things from Module 2 that Module 3 depends on.

- 1 The register is the input to everything here**
Module 3 starts from a completed register. Release order, exceptions and assignment rights are all read off the retention standing you built in Module 2.
- 2 Retention standing is fixed at the notice**
Standing is determined as of the date the employee receives the specific RIF notice, and does not move because the effective date moves.
- 3 Records access shapes how you build**
A noticed employee may inspect the register and any other register for a level they could have been assigned to under 5 CFR 351.701(b). Build it to be read.
- 4 Errors must be corrected, not defended**
If you find an error in retention standing, you must correct it and adjust the RIF action to match the employee's proper standing.

WHERE MODULE 3 PICKS UP

Module 2 ended with a ranked register. Module 3 is step 7: who is released and in what order, when you must or may keep a lower-standing employee, and what one offer of assignment must look like.

What you will be able to do

Step 7 of the nine-step process, in detail.

1 Set the release order

Release noncompeting employees, then work up from the bottom of the register.

2 Apply exceptions correctly

Recognize when you must keep a lower-standing employee, when you may, and what documentation each requires.

3 Assignment rights

Identify who is entitled to an offer and what that offer has to look like.

4 Work the grade limits

Apply the three-grade and five-grade limits using the right position's grade progression.

5 Handle qualifications

Apply the assessment requirement and the five-year exemption.

! Avoid the traps

Know the offers you may never make, and the ones you must repeat when something better opens up.

Questions

1

Releasing employees

Order of release, and the exceptions to it

STEP 7

Who is released, and in what order

Two passes: noncompeting employees first, then up from the bottom of the register.

1

First, the employees who do not compete

You may release anyone holding a temporary appointment and who is not in tenure subgroups 1 or 2; and anyone with a written decision of removal.

2

Then work up from the bottom

The employee with the lowest retention standing goes first, then the next lowest, until you have released the number of employees you need to.

3

What to do with a true tie

Same total credit, same tenure subgroup, identical service dates: the agency may select either employee for release.

STEP 7 CONTINUED

When you must keep a lower-standing employee beyond the RIF effective date

Two mandatory exceptions and one continuing exception to the order of release.

M Must: restoration rights

An employee restored after uniformed service keeps 6-month or 1-year protection. Work out their ordinary standing first, then retain them. If nobody else can be released, reassign them to a position of like seniority, status and pay. Where OPM placement assistance is needed, request it from Workforce Policy & Innovation at WPIntake@opm.gov under 5 CFR 353.110(a)(1).

M Must: annual leave to reach eligibility

An employee being involuntarily separated may elect to stay on the rolls using annual leave to reach first eligibility for immediate retirement, or to carry health benefits into retirement. Retention ends when that eligibility is reached.

C May: duties nobody can take over

A continuing exception where no higher-standing employee could take over the duties within 90 days without undue interruption. Notify each higher-standing employee reached for release, in writing, with the reasons.

DOCUMENT IT ON THE REGISTER

Record the reason for every exception on the retention register. Employees listed on the register have the right to see why the order of release was changed.

STEP 7 CONTINUED

When you may keep a lower-standing employee beyond the RIF effective date

Six temporary exceptions to the order of release. Each stands alone - you cannot combine or sequence them.

1 Undue interruption

Up to 90 days to keep an activity running.

2 Government obligation

Parental leave for birth or adoption, or pregnancy through 12 weeks after birth. Continuous leave, signed agreement, no administrative leave.

3 Sick leave purpose

Up to 90 days where a condition would warrant continuous sick leave use, sick leave is used first, and leave use is continuous.

4 Annual leave

Retention on accrued annual leave to reach retirement or health benefits eligibility, outside the mandatory version. No advanced or donated leave.

5 Military spouse

Extension of the separation date for a military spouse as defined in 5 CFR 315.612(b)(4)(i), up to an agency maximum of 90 days.

6 Other

Up to 90 days where keeping the lower-standing employee does not harm any higher-standing employee released ahead of them.

THE 30-DAY TRIGGER

If the exception runs more than 30 days, notify each higher-standing employee reached for release of the reasons and the projected end date, and record the same on the register.

Three rules' people get wrong

Worth stating out loud before anyone drafts an exception memo.

- 1 You cannot stack exceptions**
If more than one exception could apply to an employee, use the single one that gives the longest retention. You may not run one after another.
- 2 Retention standing does not change**
An employee retained under an exception keeps the standing they would have had. The exception delays the action; it does not improve their position on the register.
- 3 The action still has to be completed**
After the effective date, you may not amend or cancel a retained employee's notice to avoid completing the RIF. They may still accept an RPL or CTAP offer in the same competitive area.

Abolishing an entire competitive area

A shorter path when every position in the area is abolished within 180 days.

What is not required

- No retention register for that area
- No competitive levels
- No retention standing determinations
- Employees may be released without regard to standing
- No assignment rights - there are no positions left
- The notice may omit the ranking data and the assignment information

What is required

- Every position in the area must actually be eliminated within 180 days - including the positions of employees who do not compete
- The mandatory exceptions still apply, including restoration rights and annual leave to reach retirement or health benefits eligibility
- A written notice identifying the area being abolished and stating that the employee was not ranked against others
- A list of all employees in the area, so everyone gets the notice they are owed

HARD LIMIT

You still cannot separate an employee with restoration rights during their protection period. Reassign them to a position of like seniority, status and pay, or request OPM placement assistance from Workforce Policy & Innovation at WPIntake@opm.gov.

Questions



2

Placement

Assignment rights, grade limits, offers, and qualifications

Assignment rights: what an employee gets

One offer, to a position held by someone with lower standing on the same register.

1

Who qualifies for an offer

A competitive service tenure group 1 or 2 employee released from a level whose current rating of record is Level 2 or higher. Excepted service employees have no mandatory right, though an agency may adopt the same basis.

2

What the position must look like

Same competitive area, competitive service, same type of work schedule, no reduction or the least possible reduction in representative rate, and one the employee is qualified for.

3

Held by someone with lower standing

The position must be held by an employee with lower retention standing in the same tenure group, or be a vacancy the agency chooses to use.

4

Grade limits

No more than three grades or grade intervals below the released position - five for a preference eligible with a 30 percent or greater compensable disability. Always use the released employee's own grade progression.

5

One offer, with one exception

Only one offer is required. But if a position with a higher representative rate becomes available before or on the RIF effective date, the agency must make that better offer - whether or not the employee accepted or declined the first one.

6

Status and duties carry over

The employee keeps the same status and tenure, and must actually perform the duties. Promotion potential is not a factor.

Counting grades correctly

1 Use the released position

Apply the grade progression of the employee's own position of record. Ignore the grade progression of the position you are considering offering.

2 General Schedule

Work out whether the released position sits in a one-grade, two-grade, or mixed interval progression, then count three intervals down - five for a 30 percent disabled preference eligible.

3 Non-General Schedule Pay Plans

Find the normal line of progression for the series and grade level. If there is none, use three actual grades on a one-grade basis. The line of progression can cross pay systems.

4 Low grades

If the released position is less than three grades above the lowest grade/level of its classification system, count three actual grades down on a one-grade basis in other pay systems.

5 Pay bands

Equivalent band or one band lower, as the agency determines; up to two bands lower for a 30 percent disabled preference eligible.

6 Which rates to use

Representative rates as of the date notices issue - unless new rates are officially known and will be effective by the RIF date.

Vacancies, one offer, and better offers

How offers work in practice, and what triggers a second one.

- 1 You are not required to fill vacancies**
You may fill all, some, or none. If you do use a vacancy to satisfy an assignment right, it has to meet the same conditions as an occupied position.
- 2 One offer, and no shopping**
An employee gets one offer and no more once they accept, decline, or fail to reply in your agency's stated timeframe. Where two positions carry the same representative rate, you may offer either - the employee does not choose.
- 3 A better offer is mandatory**
If a position with a higher representative rate opens up before or on the effective date, you must offer it - even if the employee already accepted or declined - and issue an amended notice.
- 4 An alternative offer is not an assignment right**
You may offer a vacancy at the same or lower rate in lieu of separation, but you must still tell the employee what they were actually entitled to, and you may not make the offer if it would worsen another employee's RIF action.
- 5 Standing governs vacancies too**
Consider relative subgroup standing before offering a vacancy. Do not offer it to one released employee if another with higher standing would have assignment rights to it.

Considerations when making an offer

Must not offer

- A position with a higher representative rate than the employee's current position
- A full-time employee into a position held by an other-than-full-time employee, or the reverse
- Any position held by an employee with a different type of work schedule
- A temporary position - an appointment not to exceed one year - except in lieu of separation where the employee has no other right
- A position held by a temporary employee in another competitive level
- A competitive service employee into an excepted service position, or the reverse

Other considerations

- A displacing employee must actually perform the duties of the position - not on paper only
- A qualified nonsupervisor may have rights to a supervisory position, including one they used to hold
- Promotion potential is not a factor; you may noncompetitively promote to the full performance level afterward
- A mobility agreement or a travel requirement may not be considered in determining rights or making offers

QUALIFICATIONS

The new skills assessment requirement

You must now measure whether a released employee can do the target job.

1 What it must do

Let the employee demonstrate job-related skills, abilities, knowledge and competencies; rest on a job analysis; and not consist solely of, or principally rely on, an automated self-assessment.

2 What counts

A structured interview, work-related exercise, custom or generic procedure measuring employment or career-related qualifications and interests, structured resume review, or another assessment. Any method must show job-related technical skills and be relevant for the position.

3 When you can skip it

If within the last five years the employee held the same position, or one at the same grade or pay level with substantially the same duties, series, qualifications and conditions - and was rated Level 3 or higher for that work.

1 Build the instrument during planning

Assessment design sits on the critical path. If you wait until release determinations are final, you will not have a defensible instrument when you need to make offers.

2 The same standard applies to the reemployment priority list

Qualification for the RPL turns on the definition at 5 CFR 330.202, which as corrected includes a revised paragraph (5) and a new paragraph (6). RPL scoring requires a minimum of 70 on a 100-point scale with preference points added.

Transfer of function

Now limited to functions moving between agencies - not within one agency.

1

When it applies

A continuing function moves from one agency to another, and the function is not virtually identical to work the gaining agency already performs.

2

Who moves with it

The losing agency identifies positions by official position, where the employee performs the function at least half of work time. Work reports, time logs and schedules may supplement the position description.

3

Transfer happens before any RIF

Identified competing employees transfer to the gaining agency without a change in tenure. An employee whose function will end in the gaining agency within 60 days does not compete there.

4

If an employee declines

The right to transfer only exists where the alternative is separation or demotion. To separate someone who declines, the losing agency uses adverse action procedures, or includes them in a concurrent RIF - and cannot separate them before the transferring employees actually move.

5

Canvass letters

Explain the consequences of accepting and of declining, and give at least 30 calendar days. You may treat no response as a declination unless the employee shows circumstances beyond their control.

Questions

What's next

A short look at what Modules 4 and 5 cover.

4

RIF notices

The 60-day notice and everything it must contain, including the employee's subgroups, service date and three ratings of record; modified notices; and the separation package.

5

RIF appeals

Where an appeal goes and by when, what the agency has to produce, and the other routes an employee may use - grievance, EEO, OSC, RPL appeal.

THE COMMON THREAD

One thread runs through both: the notice now discloses the ranking data, so an employee can check your arithmetic. Build the register as though it will be read line by line, because it will be.

Contact & Resources

Workforce Policy and Innovation (WPI)

U.S. Office of Personnel Management

RIF policy questions and technical assistance: WPIntake@opm.gov

Key Resources

- RIF Resources and Templates — opm.gov/workforce-restructuring
- RIF Quick Reference Guide — 5 U.S.C. Chapter 35 and 5 CFR Part 351
- CHCO Council memoranda — chcoc.gov

Thank You

Please take a moment to complete a short survey to provide your feedback on today's session:

<https://surveys.opm.gov/se/5B5534D45F4EA406>

