

Exhibit D

BBG

BROADCASTING BOARD OF GOVERNORS

AND

AFGE

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES
LOCAL 1812

NEGOTIATED
LABOR-MANAGEMENT
AGREEMENT

JUNE 7, 2018

(EFFECTIVE DATE)

ARTICLE 30

REDUCTION IN FORCE AND TRANSFER OF FUNCTION

SECTION 1. GENERAL

- a. This Article applies to Reduction in Force and Transfer of Function procedures pursuant to 5 CFR 351 and other applicable laws and regulations.
- b. Reduction in Force (RIF) means the release of an employee from his or her competitive level by separation, demotion, furlough for more than 30 days, or reassignment of an employee requiring the displacement of another employee when such action is taken due to lack of work or shortage of funds, reorganization, reclassification due to change in duties, or the need to make a place for a person exercising reemployment or restoration rights.
- c. Transfer of Function means the transfer of the performance of a continuing function from one competitive area to one or more other competitive areas, except when the function is virtually identical to functions already being performed in the other competitive area(s); or the movement of the competitive area in which the function is performed to another commuting area.
- d. RIF procedures do not apply to the return of an employee to his or her regular position following a temporary promotion, to the release of a reemployed annuitant, or to reduction in grade due to the application of new classification standards or the correction of a classification error.

SECTION 2. POLICY. It is the Agency's policy to minimize the impact of budget shortfalls on the lives and careers of its employees. The Agency will: inform all employees as fully and as soon as possible of plans or requirements for reduction in force or transfer of function; consider the ideas of the Union to avoid and/or mitigate the impact of a RIF; and provide assistance to employees adversely affected by a RIF.

SECTION 3. ALTERNATIVES TO REDUCTION IN FORCE

- a. Cost Study. Prior to conducting a Reduction in Force, the Agency may conduct a cost study to determine whether instituting a furlough or retraining program for affected employees would be more cost-effective than conducting a RIF. If the Agency decides to conduct a cost study it will so inform the Union. Upon completion, a copy of any such conducted study will be provided to the Union.
- b. Consideration of Alternatives. Prior to effecting a RIF or transfer of function, the Agency will, whenever possible, consider accomplishing the goals otherwise achieved by a RIF through attrition and cost reduction efforts before abolishing positions. The Agency may also consider alternative means of effecting budgetary reductions, including: transferring work from purchase order vendors to bargaining unit employees; furloughs; and job sharing.

SECTION 4. ACTIONS TO REDUCE THE IMPACT OF A RIF. When the need to conduct a RIF is evident (normally when notice is given to the Union), the Agency will make a reasonable effort to take the following actions:

- a. Utilize existing vacancies, consistent with the needs of the service, to place employees adversely affected by the RIF.
 1. Within the affected competitive area, freeze the filling of vacant positions in the Bureau or equivalent organizational element where the RIF is planned until a decision is made as to whether an adversely affected employee can be placed in the position under RIF procedures. If no adversely affected employees can be placed, filling of vacancies may proceed.
 2. If more than one Bureau is affected, the Agency may freeze the filling of vacancies for the entire competitive area. In no case will a RIF in one competitive area require a freeze on filling vacancies in another competitive area.
 3. The Agency will not fill a vacant bargaining unit position within the organizational unit affected by the RIF or transfer of function until it has compared the qualifications of the employees to be displaced against the requirements of the position. The Agency will also consider redesigning a vacant position.
 - b. To the maximum extent consistent with the needs of the service, reassign an employee to as vacant position without regard to OPM's standards and requirements for the position if:
 1. the employee meets any minimum education requirement for the position; and
 2. the Agency determines that the employee has the capacity, adaptability, and special skills needed to perform satisfactorily the duties and responsibilities of the position within 90 calendar days of the date of the specific notice.
- All waivers of qualification must be properly documented; this documentation will be available to the Union.
- c. If the Agency waives qualifications to place an employee into a vacant position, provide the employee with training, which may include either on-the-job or formal training, consistent with Agency resources.
 - d. Freeze performance appraisals for employees affected by the RIF upon the issuance of general RIF notices, or if no general notices are issued upon issuance of specific notices.
 - e. Give employees to whom specific notices have been issued priority consideration in applying for other positions in the bargaining unit at the same grade or with no greater promotion potential in accordance with Article 14, Merit Promotion and Staffing only until the effective date of the RIF.
 - f. Offer retraining to affected employees within the limits of Agency resources, federal training regulations, and the authority of the Agency to waive qualification requirements, and will do so

to the extent that the needs of the service can be met and the employee is capable of acquiring new skills.

g. Consider requesting authority from the Office of Personnel Management to offer early retirement when the minimum eligibility requirements established by regulation are met.

h. Where applicable, provide employees with information concerning early retirement with discontinued service annuity. There will be no coercion to influence an employee's decision to retire.

SECTION 5. NOTIFICATION

a. Preliminary Notification to Union. When it is anticipated that transfer of function out of the competitive area or reduction in force affecting bargaining unit employees will be necessary, AFGE 1812 will be given preliminary notification. Normally, this notification will be at least three months in advance of the anticipated implementation date, unless circumstances dictate otherwise, and will include the following information:

1. The reason for the reduction in force or transfer of function;
2. The approximate number of employees who may be affected initially;
3. The competitive areas and levels that may initially be involved in a reduction in force; and
4. The anticipated effective date of the action.

b. At least 15 calendar days prior to issuing the specific notice to employees of a RIF or transfer of function, the Agency shall, upon request, furnish the Union any relevant and available documents or information concerning the RIF or transfer of function, including a list of all vacant bargaining unit positions in the affected competitive area(s) which the Agency is actively recruiting to fill, identified by grade, pay status, and title.

c. Prior to the issuance of specific notices, the Agency will grant official time to mutually agreed upon Union representatives for the purpose of RIF training. Where possible the Agency will brief such representatives on RIF procedures.

d. General Notices to Employees. The Agency may issue a general notice of a Reduction in Force to an employee when there is reason to believe that a RIF will occur but no determination has been made to take a specific action. If issued, general notices shall not be issued less than 60 calendar days or more than 90 calendar days prior to the effective date of the planned RIF. Such notices shall contain all information required by OPM regulations and this Agreement. General notices shall inform employees:

1. that a RIF may be necessary but that the Agency has determined no specific action in this case;
2. that as soon as the Agency determines what action, if any, will be taken under RIF procedures, specific notices of such action will be issued to affected employees;
3. the date on which the notice will expire unless renewed by supplemental general or specific notice.