

1.120 WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE

(a) Except as provided under subsection (b), a covered employee may not be released, due to a reduction in force, unless the covered employee and the covered employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include—

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable in identifying employees for release;

(4) the covered employee's competitive area;

(5) the covered employee's eligibility for veterans' preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected position classifications or job classifications within the covered employee's competitive area;

(7) the place where the covered employee may inspect the regulations and records pertinent to him/her, as detailed in section 1.121(b) below; and

(8) a description of any appeal or other rights which may be available.

(c) (1) The director of the employing office may, in writing, shorten the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(2) No notice period may be shortened to less than 30 days under this subsection.

SEC. 1.121 INFORMATIONAL REQUIREMENTS REGARDING VETERANS' PREFERENCE DETERMINATIONS

(a) Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's appointment decision regarding that applicant. Such explanation shall state at a minimum:

(1) Whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not preference eligible. If the applicant is not considered preference eligible, the explanation need not address the remaining matters described in subparagraphs (2) and (3).

(2) If the applicant is preference eligible, whether he/she is a qualified applicant and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not a qualified applicant. If the applicant is not considered a qualified applicant, the explanation need not address the remaining matters described in subparagraph (3).

(3) If the applicant is preference eligible and a qualified applicant, the employing office's explanation shall advise whether the person appointed to the covered position for which the applicant was applying is preference eligible.

(b) Upon written request by a covered employee who has received a notice of reduction in force under section 1.120 above (or his/her representative), the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's retention decision regarding that covered employee. Such explanation shall state:

(1) Whether the covered employee is preference eligible and, if not, the reasons for the employing office's determination that the covered employee is not preference eligible.

(2) If the covered employee is preference eligible, the employing office's explanation shall include:

(A) a list of all covered employee(s) in the requesting employee's position classification or job classification and competitive area who were retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible,

(B) a list of all covered employee(s) in the requesting employee's position classification or job classification and competitive area who were not retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible, and

(C) a brief statement of the reason(s) for the employing office's decision not to retain the covered employee.

END OF PROPOSED REGULATIONS

RECOGNITION OF MARK MORSE

Mr. REID. Mr. President, today I wish to recognize the public service of Mark Morse of Las Vegas, NV.

Mark has served as field manager for the Bureau of Land Management's Las Vegas Field Office for the last 5 years. Serving as a field manager for any BLM office is a challenge, but nowhere are the competing demands of recreation and conservation, urban development and species preservation more pronounced than in southern Nevada.

Some might throw up their hands in the face of such challenges, but Mark confronted them head on. He is respected by such diverse groups as local and county government officials, environmental organizations, and recreation advocates for balancing the needs of all who take an interest in our public lands.

He has forged partnerships between the BLM and local organizations, including the Red Rock Canyon Interpretive Association, Friends of Red Rock Canyon, the National Wild Horse Association, Master Gardeners, UNLV, and the Clark County School District. These partnerships have not only included the local community in the stewardship of our public lands; they have ensured that these lands are better cared for than they would be under only BLM supervision. Red Rock enthusiasts are improving the BLM's interpretation of Red Rock Canyon; students from a local high school are discovering the unique history of Tule Springs. It was Mark's vision that made these partnerships happen.

We in Nevada's congressional delegation have also handed Mark his share of challenges. The Nevada BLM oversees an enormously successful program that disposes of Federal land in southern Nevada while using the proceeds to preserve Nevada's natural treasures. This program has made federal land agencies work together in ways that

have no precedent in our country. Mark has helped create interagency teams that improve both the care of Federal lands and the efficiency of the agencies charged with that care. Without Mark's leadership, this program would not be such a success story.

Mark has helped the Las Vegas Field Office adapt to the unique nature of managing Federal land in this growing urban setting. He is proud of his team, and he would say it has embraced change and achieved excellence. The BLM is not always a popular entity in Nevada, but Mark's accomplishments have greatly improved its reputation.

Mark's retirement is the culmination of 39 years of service with the BLM in the West, including time in northern California and Colorado as well as Nevada. I wish Mark the best, and I hope I will have the privilege of working with him again in the future.

BALTAZAR CERVANTES' 100TH BIRTHDAY

Mr. REID. Mr. President, I speak today in recognition of Mr. Baltazar Cervantes' 100th birthday.

Mr. Cervantes was born and raised in Mexico, and he came to the United States in 1919, making Nevada his home in 1958.

He worked for the Southern Pacific Railroad for 36 years, then worked part time for the city of Elko, in northeast Nevada, for the next 20 years. He finally retired in 1993 at the age of 88.

Throughout his life, Mr. Cervantes has dedicated himself to his family, a group that has continued to grow over time. Today his extended family include 10 children, 44 grandchildren, 54 great grandchildren, and 1 great-great-grandchild.

Mr. Cervantes has experienced many things during his life, and he has seen some historic figures. When he was a young boy, he saw Pancho Villa in Mexico, and after he moved to the United States he was fortunate enough to see the legendary Babe Ruth play baseball.

Mr. Cervantes has long been an avid baseball fan, and his favorite team is the Atlanta Braves. He tells his children that even though the Braves didn't enjoy much success during the early years when he watched them, he always knew they would turn it around. I am sure Mr. Cervantes has enjoyed the Braves' 13 consecutive playoff appearances.

Today Mr. Cervantes lives with his daughter Norma and her daughter Kara, and he enjoys watching Braves games in the company of his loving family. It gives me great pleasure to offer my sincerest congratulations to this special man on the occasion of his 100th birthday.