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January 17, 2017

This is in response to your Freedom of Information email request dated December 31, 2016 and received in this office January 9, 2017 requesting a digital/electronic copy of the Selective Service System Personnel Policies and Procedures Manual. Because of the size of the PPPM files the information will be sent a few chapters at a time in eight emails to you.

If you consider this response to be a denial of your request, you may file an appeal. Your appeal must be received within 90 calendar days of the date of the initial denial letter by the Director of the Selective Service. Please address your appeal to the following office:

Mr. Lawrence G. Romo
Director
Selective Service System
1515 Wilson Blvd.
Arlington, VA 22209

Your appeal must include a copy of the original request, the response to your request, and a statement of the reason the withheld records should be made available and why the denial of the records was in error. The submission is not complete without the required attachments. The appeal letter and the envelope, should be clearly marked "Freedom of Information Act Appeal.";

If you choose not to appeal, but have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact the Office of Public & Intergovernmental Affairs at 703-605-4100 .

Thank you for your inquiry. If you have any further questions, please feel free to contact the Office of Public and Intergovernmental Affairs.

Sincerely,

Richard S. Flahavan
Chief FOIA Officer



Selective Service System

National Headquarters / Arlington, Virginia 22209-2425

Change Notice

**MANUAL: PERSONNEL POLICIES AND
PROCEDURES MANUAL (PPPM)**

RESPONSIBLE OFFICE: SPT

DATE: November 22, 2005

NUMBER: PPPM, Change 49

1. This Change Notice transmits modifications to the Personnel Policies and Procedures Manual (PPPM), Chapter 001, Basic Authorities and Responsibilities. Page changes should be made as follows:

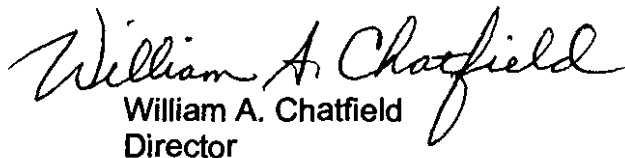
REMOVE

INSERT

Entire Chapter 001 dated July 1983

Chapter 001 dated OCT 2005

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.


William A. Chatfield
Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 001

BASIC AUTHORITIES AND RESPONSIBILITIES

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 001

BASIC AUTHORITIES AND RESPONSIBILITIES

1. AGENCIES WITH REGULATORY CONTROL OF PERSONNEL AND RECORDS MANAGEMENT

- A. Office of Personnel Management. Under the Civil Service Reform Act of 1978 and other legal authorities, the Office of Personnel Management (OPM) is responsible for prescribing the records to be maintained for each employee subject to OPM Rules and Regulations and prescribing reports to be derived from these records which are needed for Federal-wide position and personnel employment data. The Office of Personnel Management jurisdiction includes the system under which the records are maintained and processed and all reporting specifications.
- B. General Services Administration and National Archives & Records Administration. Under the National Archives & Records Administration Act of 1984, the General Services Administration (GSA) and the National Archives & Records Administration (NARA) have responsibility for establishing standards for retention, retirement and disposal of records, and for prescribing such control schedules and regulations required for economical and efficient management of Federal records. This is an administrative jurisdiction over the retention and disposal of records as compared with the OPM's technical jurisdiction over the content and use of the records. Federal Agency records management programs must comply with regulations promulgated by GSA, NARA and OPM.

2. SELECTIVE SERVICE SYSTEM

- A. Director's Legal Authority in Personnel Managements Functions. The legal authority of the Director to carry out personnel management functions is delegated through the Associate Director for Support Services to the Human Resources Officer in National Headquarters. This authority permits the incumbent of these positions to act for the Director in carrying out personnel management functions, personnel record reporting, and personnel action processing for all Selective Service employees.

3. OATHS OF OFFICE

- A. Legal Basis. Title 5, U.S. Code 2903, provides the basic authority under which the Director may designate officers and employees to administer oaths required for employment in the Federal service. The Comptroller General has held that the Director must make designations of this authority. The administration of oaths of office by other than those occupying positions indicated below is not authorized. (For uncompensated employees, see Chapter 520, "Uncompensated Personnel" to be published.)
- B. Agency Officials Authorized to Administer Oaths. The Deputy Director, Associate Director for Support Services, Human Resources Officer and members of his/her immediate staff, Regions Directors, Reserve Forces Officers with specific MEPS Liaison Officer or Area Office mobilization assignments, and the Manager, Data Management Center are authorized to administer oaths of office.
- C. Administration of the Oath of Office. Administration of oaths will be accomplished in a dignified manner in the presence of the American flag, if available. Employees selected to administer oaths will be made aware of the serious nature of the oath of office. Except as provided below, the oath of office must be signed and dated on or before the employees first day in pay or duty status.

4. RESTRICTIONS ON MAINTENANCE OF DUPLICATE RECORDS.

Selective Service System policy is that employee personnel records, except those specific documents authorized by this manual to be duplicated will not be duplicated or maintained at separate locations. If additional data or records are desired to be kept at the Region Office, the Data Management Center, or by National Headquarter supervisors, request for approval must be forwarded to National Headquarters (HR) with full justification.

5. DESIGNATIONS TO SIGN PERSONNEL ACTIONS.

The Human Resources Officer is designated to examine and sign personnel action documents. Human Resources staff, as well as others, may be designated to approve and sign personnel actions. Designations will be limited to those positions which are functionally appropriate for the responsibility involved. The designation must be in writing and will be made to the position, rather than to the person occupying the position.

PERSONNEL POLICIES and PROCEDURES MANUAL

CHAPTER 124

POSITION CONTROL SYSTEM

(TO BE DEVELOPED)



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: April 12, 2016

NUMBER: 77

1. This Change Notice transmits modifications to PPPM Chapter 002, the Selective Service System: Delegations of Authority. Page and language changes should be made as follows:

AMEND

Page 002-5; Paragraph e.

INSERT

(Under 11 days once
within a 6 month period) RDs & DMC Manager

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.

A handwritten signature in black ink, appearing to read "Lawrence G. Romo".

Lawrence G. Romo
Director

Distribution: 1-7, 30



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: December 10, 2014


NUMBER: Change # 75

This Change Notice transmits modifications to PPPM Chapter 630. Absence and Leave.
The following amendments are made:

REMOVE

INSERT

1. Entire Chapter 630 dated MAY 2009
2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner


Lawrence G. Romo
Director

Distribution: 1-7, 30



Selective Service System

National Headquarters / Arlington, Virginia 22209-2425

Change Notice

MANUAL: PERSONNEL POLICIES AND
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: 12/23/13

NUMBER: 73

1. This Change Notice transmits modifications to the Personnel Policies and Procedures Manual (PPPM), Chapter 002, Delegations of Authority. Page changes should be made as follows:

REMOVE

INSERT

Entire Chapter 002 dated FEB 2010

Chapter 002 dated DEC 2013

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.

A handwritten signature in black ink, appearing to read "Lawrence G. Romo".

Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 002

DELEGATIONS OF AUTHORITY

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 002

DELEGATIONS OF AUTHORITY

1. PURPOSE. The purpose of this chapter is to delegate personnel authorities for the Selective Service System.
2. SCOPE. The provisions of this chapter apply to all Selective Service elements and employees. The Chief of Staff (COS), supported by the Human Resources Officer (HRO), is responsible for developing, implementing, administering, and managing the Agency's personnel policies and programs.
3. SIGNATURE AUTHORITY. The authority to sign the Director's name to any document using either the auto-pen or a captured electronic signature (even under a mass distribution process) can only be authorized by written or verbal approval of the Director. Any time the auto-pen or equivalent signature is applied to a document, a copy of that document must be provided to the Executive Assistant.

4. AUTHORITIES DELEGATED. AUTHORIZING OFFICIAL.
 - A. EMPLOYMENT
 - (1) Appointing Authority COS; HRO; or Lead Human Resources (HR) Specialist
 - (2) Appointment Affidavit Deputy Director (DD); COS; Associate Directors (ADs); Region Directors (RDs); Manager, Data Management Center (DMC); HRO (may be delegated to HR Specialists)
 - (3) Authentication of Forms HRO; Administrative Officers; Lead HR Specialist (may be delegated to HR Specialists)
 - (4) Selecting Authority COS; ADs; RDs; Manager, DMC; or designee.
 - (5) Offers of Employment HRO or Lead HR Specialist (may be delegated to HR Specialists)

- | | |
|--|--|
| (6) Reassignments | Supervisors and managers of organizational elements with concurrence of COS or ADs |
| (7) Details | |
| a. 30 days or less | Managers of organizational elements with concurrence of COS or ADs in charge of the gaining and losing organizations |
| b. Over 30 days to a position of same or lower grade | COS or ADs of the gaining and losing organizations with concurrence of the DD |
| c. Any duration to higher grade | COS or ADs with concurrence of the DD |
| d. Interagency | Director or DD |
| (8) Determination to conduct Reduction-in-Force | Recommend: COS; Chief Financial Officer (CFO); and HRO
Approve: Director |
| (9) Review of Statements of Employment and Financial Conflicts of Interest | Designated Agency Ethics Official (DAEO), Deputy DAEO, and Alternate DAEO. (Note: Authority is derived from existing Office of Government Ethics regulations.) |

B. POSITION AND PAY MANAGEMENT

- | | |
|--|--|
| (1) Changes to the Approved Manning Document | Recommend: COS; ADs; RDs; or Manager, DMC
Approve: Director or DD |
| (2) Reorganizations and/or realignments | Recommend: COS or ADs with technical advice provided by COS; HRO; and CFO
Approve: Director or DD |
| (3) SES level increase | Director |

- | | |
|---|---|
| (4) Promotions | Supervisor of record |
| (5) Position classification | HRO |
| (6) Position classification appeals submitted to Agency; outside the Agency | Director or DD |
| (7) Position classification appeals of decisions made by HR staff | COS |
| (8) Within Grade Increases | HR Specialists based on current satisfactory performance appraisal |
| (9) Overtime | COS; ADs; RDs; or Manager, DMC; with concurrence of CFO and DD |
| (10) Salary Determination | HRO |
| (11) Administrative errors | |
| a. For minor errors: | HRO |
| b. For major errors or pay errors | Recommendation: COS; ADs; RDs; or Manager; DMC; with technical advice of COS; CFO; and HRO
Approve: Director or DD |

C. EMPLOYEE RELATIONS

- | | |
|---------------------------------------|---|
| (1) Grievance Resolution | |
| a. Informal | First level supervisor or lowest level official with line authority over matter grieved |
| b. Formal | Second level supervisor |
| (2) Designation of Grievance Examiner | COS |

(3) Adverse Actions

- | | |
|--|---|
| a. Minor disciplinary actions, e.g., reprimand, admonishment | Immediate supervisor in consultation with HR |
| b. Major disciplinary action, e.g., suspension, removal, reduction in grade or pay | Proposal: Immediate supervisor in consultation with HRO
Decision: Second level supervisor in consultation with HRO |
| c. Removal of SES Member | Director or DD |

(4) Incentive Awards

(Also see Chapter 451, Recognition and Incentive Awards Program)

- | | |
|------------------------|--|
| a. Performance awards | Recommend: Supervisor of record
Approve: Director or DD |
| b. Contribution awards | Recommend: COS; ADs; RDs; Manager, DMC; or supervisor
Approve: Director or DD |
| c. SES rank awards | Recommend: Director or DD
Approve: Director |

(5) Honorary Awards

(Also see Chapter 451, Recognition and Incentive Awards Program)

- | | |
|---------------------------------------|--|
| a. Meritorious Service (Bronze Medal) | Recommend: COS; ADs; RDs; Manager, DMC; or supervisor
Approve: Director or DD; RD for personnel under their supervision |
| b. Exceptional Service (Silver Medal) | Recommend: COS; ADs; RDs; Manager, DMC; or supervisor
Approve: Director or DD |
| b. Distinguished Service | Recommend: COS; ADs; RDs; |

(Gold Medal)	Manager, DMC; or supervisor Approve: Director
(6) Leave and Absence Approval	
a. Annual, sick, and compensatory leave	Immediate supervisor
b. Advance sick leave up to five days	COS; ADs; RDs; Manager, DMC; or NHQ Division/Office Managers; with concurrence of HRO
c. Advance sick leave over five days	COS
d. Advance annual Leave	DD
e. Leave without pay (under 30 days)	COS or AD (refer to PPPM Chapter 630 for leave without pay under Family Medical Leave Act (FMLA))
f. Leave without pay (over 30 days)	DD (refer to PPPM Chapter 630 for leave without pay under FMLA)
g. Excused absence	
<u>1.</u> Eight hours or less	COS; ADs; RDs; or Manager, DMC
<u>2.</u> Over eight Hours	Director or DD
<u>3.</u> Reasonable amount of time; not less than 24 hours for disciplinary response preparation activities	Supervisor
<u>4.</u> Reasonable amount of time to prepare an EEO complaint	Supervisor

(up to 24 hours)

h. Court leave Immediate supervisor

i. Military leave Immediate supervisor

(7) Restoration of Annual Leave

a. Certification of Operational requirements Recommend: COS; ADs; RDs; or Manager, DMC; with technical review by HRO
Approve: DD

b. Certification of Employee illness Immediate supervisor or HRO

c. Certification of administrative error HRO

(8) Administrative dismissal in emergency situations

a. National HQ Director; DD; or COS

b. Region HQ RD in conjunction with Federal Executive Board

c. DMC Manager, DMC in conjunction with Federal Executive Board

D. EMPLOYEE DEVELOPMENT

(1) Approval of training fund allocations to Agency organizations COS

(2) Individual training less than 30 days Recommend: ADs; RDs; Manager, DMC; or supervisor
Approve: COS

(3) Long-term training over 30 days Recommend: COS; ADs; RDs; Manager, DMC; or supervisor
Approve: DD

(4) Obligation of SF-182 COS

- (5) Waiver of employees' obligation to repay costs of training (under service agreement)

COS with concurrence of CFO

5. ADDITIONAL AUTHORITIES.

The authorities specifically mentioned or delegated in this Chapter are not meant to be all inclusive and do not revoke or affect additional authorities delegated by other publications or documents. Delegations are listed at the lowest level and in all cases may be authorized at a higher level in the organization.

At his/her discretion, the Director may exercise all personnel authorities, whether or not they have been delegated.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: April 12, 2016

NUMBER: 77

1. This Change Notice transmits modifications to PPPM Chapter 002, the Selective Service System: Delegations of Authority. Page and language changes should be made as follows:

AMEND

Page 002-5; Paragraph e.

INSERT

(Under 11 days once
within a 6 month period) RDs & DMC Manager

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.

Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 200

PERSONNEL MANAGEMENT POLICIES

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 200

PERSONNEL MANAGEMENT POLICIES

1. POLICY STATEMENTS

- a. Need and Purpose of Policy Statements. Personnel policy statements are considered essential to the administration of an effective personnel management program and are intended to serve a number of purposes. The issuance of Selective Service policies concerning personnel management and operations is intended to clarify and define the specific programs and delineate individual responsibilities in the personnel management functions.
- b. Principal Participants in Personnel Policy Formulation. The Associate Director for Administration operating under broad guidance from the Director, has been given primary responsibility for directing and reviewing the development of personnel policies and programs. Supervisors and Managers at the Headquarters, Region Directors, and the Data Management Center Manager are encouraged to advise the Associate Director for Management Services on a continuing basis on personnel program needs and consult on proposed policies and procedures, or changes in existing policies and procedures, which may have a significant impact on Selective Service operations or employees.

2. POLICIES GOVERNING PERSONNEL RECORDS AND FILE SYSTEMS

a. Personnel Records Maintenance Policy.

- (1) Requirement For Accurate and Complete Records. Accurate and complete records of personnel actions within the Selective Service System will be maintained on a current basis.
- (2) Use of Personnel Records. The official personnel records are used to provide:
 - (a) Documentation necessary to show that legal, regulatory, and procedural requirements have been met in all personnel actions.
 - (b) A basis for making decisions involved in personnel actions and for planning operations.
 - (c) A basis for reports on personnel activities.
 - (d) Employment information to and concerning employees.
- (3) Minimum Required Records. Confine records to the absolute minimum required for efficient administration. Before authorizing establishment of a personnel record, other than those prescribed by law or regulation, the Associate Director for Management Services will determine its necessity. Region Directors and the Data Management Center Manager who desire to establish a form or record pertaining to personnel administration or processing will submit a request for approval to the Associate Director for Management Services (MS).
- (4) Periodic Review Required. The Associate Director for Management Services will at least annually require the review of personnel records maintained and personnel reports required to insure that they are still needed, and that maximum use is being made of information they provide.

b. Policy For Review Of Personnel Records

- (1) Availability of Records for Review. Personnel Records will be maintained in such a manner that:
 - (a) Review will disclose compliance with directives. Review at any time by appropriate authority will disclose whether there has been compliance with Federal Personnel Management Rules and Regulations, and the pertinent Selective Service instructions.
 - (b) Record of service will be provided. For personnel actions not reported on Standard Forms 50, 50A, or approved substitutes, records of service for retirement (service credit) and reemployment purposes will be provided to present and former employees, their legal representatives or to other personnel officials.

c. RECORDS TO BE MAINTAINED IN PERSONNEL OFFICE

- (1) Directives That Govern Personnel Records. The Civilian Personnel Officer in National Headquarters will maintain personnel records in accordance with the Federal Personnel Manual and guidelines in this manual.
- (2) Restrictions on Maintenance of Duplicate Personnel Records. No other Selective Service System offices are authorized to maintain any personnel records, other than employee record cards (Standard Form 7-B) and copies of position descriptions. Duplicate personnel folders and employee service record cards may not be maintained at any location other than the Headquarters Personnel Office. Supervisors should retain a copy of the employee's performance standards and appraisal.
- (3) Basic Personnel Records. The basic personnel records for Selective Service System employees will include:
 - (a) Service Control File (Standard Form 7);
 - (b) Official Personnel Folder File (Standard Form 66);
 - (c) Employee Performance Folder File;
 - (d) Position Description File; and
 - (e) Chronological file of Notifications of Personnel Actions.
- (4) Location of Personnel Records. The Civilian Personnel Office in National Headquarters will maintain the records listed above for all Selective Service System employees.

- d. Disposal of Records. Disposal of personnel records of more than short term value is accomplished in accordance with principles established by law and by regulations of the General Services Administration.

3. DISCLOSURE POLICIES AND PROCEDURES

a. Selective Service Policy

- (1) Releasable Information. The Selective Service System observes the principle that the names, titles, grades, salaries, and duty stations of its employees are public information, and should be released in response to reasonable and legitimate requests.

- (2) Restricted Information. Dissemination of any other official information concerning internal operations, functions, and activities of Selective Service shall be in accordance with the provisions of other pertinent policies or regulations.
- b. Furnishing Personnel Lists. The following guidelines will be observed by Selective Service offices receiving requests for lists or names with related identifying information, of some or all of its employees. The preparation of these lists is the responsibility of the Civilian Personnel Office in National Headquarters.
- (1) Information Contrary to Public Interest. A request will be denied when there is a definite showing that the release would be contrary to the public interest.
 - (2) Commercial or Political Solicitation. No information or listing will be furnished when it is apparent that the list is sought for purposes of commercial or political solicitation.
 - (3) Violation of Hatch Act. Requests for information or listings will be denied when there is reason to believe that the names would be used for purposes which might violate the provisions of the Hatch Act.
 - (4) Unwarranted Time or Cost. Requests will be denied when the costs of labor or materials involved in the preparation of the list would require an unwarranted expenditure of Selective Service funds or interruption of the work of the office concerned. If unwarranted time or cost would be involved, the person requesting the list should be so informed within a reasonable period and advised of the costs that must be paid, or work arrangements made by the requestor, before the list will be furnished.
- c. Guidelines For Specific Requests.
- (1) Members of Congress or Congressional Committees. Information requested by Members of Congress or Congressional committees should be furnished promptly. If furnishing lists as requested would entail undue costs, this should be reported to the Associate Director for Management Services along with suggestions of any possible alternative that would be helpful but more economical. Prior to furnishing information, coordinate with the Office of General Counsel.
 - (2) Press and Other Information Media on Behalf of the Public. Within the National Headquarters, responses to media queries will normally be prepared and given by members of the Public Affairs Staff. Within the Regions, media contacts are governed by the Region Directors. The Associate Director for Management Services, with prior coordination with Public Affairs, may respond to questions of a technical nature concerning personnel matters.
 - (a) The information requested by the media will be furnished promptly if it is available without unreasonable public expense or interruption of regular work, and is permissible under the provisions of the Privacy Act and these regulations. Otherwise, the appropriate office will estimate the necessary

time and costs and the Association Director for Management Services, after notification of the Assistant Director for Government and Public Affairs, will inform the requestor what is involved, and determine if the needs can be met with information that can be furnished at reasonable cost or expenditure of time.

(b) When the press or other information media request personnel lists for solicitation purposes, the request will be handled under b.2. above.

- (3) Commercial Firms and Individual Solicitors. Information wanted by Commercial Firms and individual solicitors should normally be refused; exceptions should be made only when it is clear that the public interest will be served (for example, requests from compilers of widely used directories) and there will be negligible public expense or interruption of work. In no event will names be furnished for solicitation purposes.
 - (4) Charitable Organizations. Few if any information requests should be received from charitable organizations, since the arrangements for charitable fund raising in the Federal service are prescribed by the Federal Fund-Raising Manual. Mail solicitation of employees at the place of employment is not authorized, and this should be explained to any group requesting a list of names. If a charitable organization desires a list for other than solicitation purposes, it should be treated like other nonprofit organizations.
 - (5) Nonprofit Organizations, such as Professional Societies, Schools, Unions, Veterans Organizations, or State Societies. In general, it is Selective Service policy to cooperate fully with these organizations, when it is evident that little cost or interruption of work would result. Otherwise, estimate the necessary time and costs, inform the requestor what is involved, and determine if the needs can be met with information that can be furnished at reasonable cost or expenditure of time.
 - (6) Colleges, Correspondence Schools, and Other Educational Institutions. While it may be desirable to encourage employees to take outside training, Selective Service cooperation with these institutions through internal distribution of appropriate course announcements and in counseling employees about training suited to their individual needs is appropriate rather than furnishing lists of employees.
 - (7) Home Addresses will not Normally be Furnished. In furnishing lists of employees, home addresses will not usually be included without the specific permission of the employee. Compliance with a request for lists containing employee home addresses must have the prior approval of the General Counsel and Associate Director for Management Services.
- d. Release of Information about Individual Employees. All inquiries from outside Selective Service concerning present or former employees should be referred to National Headquarters. The following guidelines, subject to any applicable restrictions imposed by statute, executive order, or other appropriate authority, will be observed in releasing information from personnel records or other available sources of information.

- (1) Credit Inquiry. With the following limitations, personnel information may be furnished to reputable business firms and credit organizations in response to telephone or written requests.
 - (a) Employee applied for credit. If the employee has not applied to the organization for credit, verification only will be made of any information in question, except for the title of the employee's position and the date he/she began working for Selective Service. If the employee has applied for credit, additional information such as salary may be verified, if specifically requested.
 - (b) Employee may have applied for credit. If there is any doubt about whether the employee has applied for credit or about the identity or credibility of the inquirer, response will be withheld until verification can be made. If a telephone call is questionable, the caller will be asked to give his number so that the organization may be called back. Wherever feasible, the employee concerned should be contacted for verification of the legitimacy of the request.
- (2) Debt Collection. If the employee has left Selective Service, a creditor who inquires about him will be so informed. If the employee has transferred to another agency, and if the creditor so requests, the name of the agency may be furnished. The employee's address may be verified upon request. No other information will be furnished to creditors under any circumstances.
- (3) Prohibition on Collection Assistance. The Selective Service System will not assist a creditor in collecting debts from an employee, and will provide no information other than verification of employment to persons attempting to collect debts from present employees. Written complaints will be handled in the manner prescribed by Selective Service internal regulations on employee responsibilities and conduct. If a collection inquiry is received by telephone, the employee answering the call will explain the Selective Service policy on employee indebtedness and suggest that the creditor put his complaint in writing.
- (4) Personal Inquiries. Anyone may be told whether or not a person works for Selective Service but no additional information about a present or former employee may be released in response to inquiries of a personal nature. A caller may be given, on request, the name of an agency to which a former employee has transferred.
- e. Employee Inspection of Records Material. Each employee has the right to inspect his or her Official Personnel Folder. The official in charge of the folder will, however, withdraw examination papers and evaluations obtained in confidence before making the folder available to an employee. Except for examination papers and confidential evaluations, nothing will be placed in an employee's personnel folder which is not permitted to be seen by the employee.

- (1) Review of Position Descriptions. Employees have the right to review their own official position description and the right to obtain a copy. They have the further right to inspect written standards of performance for themselves and other employees of their division or organizational unit in the same series or related series.
- (2) Special Provisions For Review. Official Personnel Folders may be reviewed by an employee, or his/her representative designated in writing, only in the presence of a representative of the Civilian Personnel Office. In offices physically located away from the National Headquarters, the Associate Director for Management Services or the Civilian Personnel Officer will designate an official to represent the personnel office and be responsible for the personnel folder. The Official Personnel Folder may be forwarded to and returned by the designated official only by registered mail. The designated official will then permit the records review under his/her personal supervision to insure the Official Personnel Folder is not lost and no records are removed or altered. Wherever feasible, without unreasonable expense or delay, essential documents in the Official Personnel Folder will be duplicated and retained in the Civilian Personnel Office until the Folder is returned. The same provisions as above apply to an employee request to review his or her Employee Performance Folder. Employee requests for copies of specific non-medical documents in his or her Official Performance Folder or Employee Performance Folder will usually be honored. When mailed, these copies will be sent by registered mail only.
- f. Release Of Medical Records. When requested by an employee, his full medical record will be made available to a licensed physician designated by the employee. The release of medical records to other sources will be governed by Federal Personnel Manual Chapter 339.

4. MANUAL PUBLISHING POLICY

- a. Changes To The Manual. New revised policies, procedures or responsibilities of a permanent nature within the purview of this manual or a supplement thereto will be issued by the Associate Director for Management Services as an amendment to the pertinent portion of the Personnel Policies and Procedures Manual.
- b. Notices. Notices issued to subordinate levels calling attention to existing provisions contained in this manual are not subject to requirements of this section.
- c. Regulatory Exception. Exceptions from the provisions or requirements of the Personnel Policies and Procedures Manual will not be taken without written authority by the Associate Director for Management Services. Where it is deemed appropriate or necessary for the protection of the health, safety or welfare of employees, a request may be made for exception to specific provisions or requirements. A request for exception may be made on behalf of any organizational part of the Selective Service System or group of employees that has a community of interest. A request for exception must be in writing and state the specific justification for the exception. Requests may be originated by a Region Director, the Data Management Center Manager, National Headquarters Associate Director or Staff Officer, or recognized

official of employee groups. Such request will be submitted to the Civilian Personnel Office not less than 30 days prior to the proposed effective date. Requests submitted with less than 30 days notice must include full justification for the shorter notice.

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 250

FUNCTIONS AND RESPONSIBILITIES IN PERSONNEL MANAGEMENT

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 250

FUNCTIONS AND RESPONSIBILITIES IN PERSONNEL MANAGEMENT

1. FUNCTIONS AND PURPOSES

- a. Definition. Personnel Management in the Selective Service System encompasses the recruitment, selection, motivation, leadership understanding, and utilization of people as individuals and as members of the work force employed to accomplish the functions for which the Selective Service System is responsible.
- b. Purposes. Personnel Management is an integral function of total management. It is carried on within a framework of laws, executive orders relating to personnel matters, Office of Personnel Management regulations, and the Selective Service System's own personnel policies. Our personnel management program is designed to (1) accomplish the Selective Service mission through the acquisition, development, and effective utilization of employees; (2) advance the Selective Service System's efforts in the interest of quality career staffing; (3) insure fair and equitable treatment of employees; and (4) obtain the benefits of a unified approach to effective personnel administration.

2. Objectives and Goals. It is essential that personnel management activities serve to achieve the following important objectives and goals.

- a. Meet Present and Future Program Commitments. The Selective Service System must provide for meeting its present and future program commitments through development of plans that consider the quality of manpower needed, when it will be needed, where it will come from and how necessary skills, knowledges and abilities will be provided or developed to provide a work force that is suited to our needs. This includes the need to:
 - (1) Analyze Program Directions. Provide a continuing evaluation of personnel policies, programs and procedures to insure that they are uniformly appropriate, effective and responsive to management needs.
 - (2) Develop Sources. Develop sources to be used in meeting personnel recruitment needs.
 - (3) Communicate Plans. Communicate overall personnel plans to all Selective Service officials.
- b. Insure Fullest Utilization. It is considered essential that we organize and distribute duties so as to insure the fullest utilization of Selective Service employees in the total achievement of essential tasks with maximum efficiency and all practicable economy of available personnel, materials and funds. Factors included in our efforts to insure fullest utilization of every employee include:

- (1) Proper Work Assignments. Clearly delineate work assignments to avoid overlap, conflict and duplication.
 - (2) Assign by Capabilities. Assign employees to jobs for which they are best fitted by experience, training and potential. Insure the fullest possible use of the highest level of employee experience and training through the careful assignment of duties to positions.
 - (3) Promote Interest and Challenge. Insure positions are designed to promote interest and challenge and provide, as much as possible, for career ladders to permit employees to develop to their highest potential.
 - (4) Reasonable Span of Control. Establish supervisory jobs consistent with the type of work being done with regard to a reasonable span of control.
- c. Insure Opportunity for Development. Each management official will insure that employees have an opportunity for planned career development and progression that is consistent with present and future manpower requirements, organizational needs and employee capabilities. Each supervisor will be responsible for:
- (1) Planned Development of Employees. Effective supervisor/employee relationships build a framework for cooperation, planned development of employees through training, self-development, reassignment and other developmental activities. Effective management will assist in keeping details of employees to a minimum (except for developmental purposes) and promptly document each detail to insure that each employee's personnel record reflects each significant duty assignment.
 - (2) Advancement on Capability and Potential. Each supervisor and manager has a personal responsibility for assuring the advancement of the best qualified employees in accordance with their demonstrated capability and potential and without regard to non-merit factors.
- d. Insure High Quality Intake. Personnel officials and supervisors must insure that the Selective Service recruitment program provides for an intake of well qualified and highly motivated employees sufficient to meet present and future personnel needs. Through analysis of information about turnover and organizational changes, management must forecast immediate and long-range recruitment needs. This responsibility includes these factors:
- (1) Sources For Staffing. Recruiting efforts should provide for a variety of sources to obtain a staff of employees who will provide new ideas, different viewpoints, continuity and experience.
 - (2) Selection Of High Quality. Selections will be made to fill positions with the highest quality persons available, with due consideration for insuring that the Selective Service work force in each geographical area is representative of the community.

- (3) Affirmative EEO Action. Officials having the appropriate authority will take affirmative action to insure that all sources of candidates are given full consideration including minority groups, women and the physically handicapped.
- e. Encouraging Quality Performance. Supervisors will create and maintain a work environment that is conducive to quality performance, high productivity, creativity and good morale. Management officials must be alert to:
 - (1) Provide or Schedule Supervisory Training. Insure that supervisors are trained to deal with people and work problems and to maintain a work environment conducive to achievement of organizational goals.
 - (2) Maintain Effective Communications. Maintain effective communications between employees and management so that employees know what is expected of them and are encouraged to express their thoughts and ideas to management, where they will receive careful consideration.
 - (3) Effective Supervisor-Employee Relationship. Build a supervisor-employee relationship through which situations that may lead to grievances are recognized and acted upon before the grievance stage is reached. Offer counseling for any employee who desires or needs it.
 - (4) Objective Performance Evaluation. Evaluate objectively the performance of employees, recognizing and rewarding performance when warranted, assisting employees toward continuous improvement and taking appropriate action such as counseling, training, position change or separation when performance does not meet expectations.

3. RESPONSIBILITIES IN PERSONNEL MANAGEMENT

- a. Director. The Director is vested with the ultimate responsibility for effective personnel management in the Selective Service System.
- b. Deputy Director. The Deputy Director has been delegated responsibility for approving personnel policies and programs.
- c. Associate Director for Management Services. Responsibility for the formulation of personnel policies and programs has been delegated to the Associate Director for Management Services. The Associate Director for Management Services is responsible for directing and reviewing the development of personnel policies and programs and personnel allocations. Responsibilities include appraisal of internal personnel management of National Headquarters, Region Offices and the Data Management Center.
- d. Civilian Personnel Officer. The Civilian Personnel Officer formulates Selective Service personnel policies and programs. The Civilian Personnel Officer shall supervise the application of personnel policies, programs and procedures required in the management of Selective Service employees. Responsibilities include the following actions and functions:

- (1) Formulation of Personnel Policies and Programs. Develops policies, procedures and guidelines for an equitable and enlightened personnel management program.
 - (2) Furnish Technical and Advisory Service. Provides leadership for personnel management activities, advises and counsels supervisors and management officials concerning regulatory and technical aspects of personnel administration and provides technical and advisory service to personnel activities in the National Headquarters, Region Offices and the Data Management Center.
 - (3) Support Activities. Devises and carries out those supporting activities necessary to fulfill the purposes and accomplish the objectives of the Selective Service System's personnel program.
 - (4) Civilian Personnel Management. Supervises the operation of the National Headquarters personnel office and those personnel management functions assigned to all field activities.
 - (5) Advice and Assistance on Personnel Problems. Provides advice and assistance to personnel staff members and management officials throughout Selective Service on personnel problems and cases.
 - (6) Personnel Actions. Processes personnel actions and recommends changes in personnel programs and procedures on the basis of operational experience.
- e. Personnel Planning. Personnel planning involves responsibility for the following actions:
- (1) Effective use of Personnel Resources. Develop plans and procedures for the effective use of personnel resources. Develop, implement and recommend appropriate personnel authorization systems and administer the personnel authorization systems, including the preparation of staffing guides and the allocation of personnel spaces. Recommend the establishment of new or revised management policies that would contribute to more effective use of personnel resources.
 - (2) Organizational Concepts and Policies. Develop, evaluate and recommend organizational concepts and policies. Conduct on-site appraisals of personnel requirements and personnel utilization and propose changes in work distribution and work methods to assure equitable distribution of personnel resources.
- f. Key Officials In National Headquarters. Associate Director level staff officials in National Headquarters and managers of field components have authority and responsibility for administering the personnel program within their respective activities in accordance with established policies and procedures. This includes guidance and direction of supervisors in the performance of personnel management responsibilities.

g. Selection and Placement Of Employees. Managers of field components will generally make the selection of employees, determine training needs and schedule the necessary training. Every effort must be made to place employees in jobs in which their skills, knowledge and potential can best be utilized. The manager must require supervisors to carefully appraise the performance of employees and to initiate appropriate personnel actions.

(1) Influence on Employee Attitudes. The influence of supervisors on each employee is a significant factor in personnel management. The supervisor generally has frequent contact with employees, exercises great influence on the employees' attitudes toward their jobs and the Selective Service System and consequently, upon the volume and quality of work produced. To deal effectively with his work force, each supervisor must have the capacity and knowledge necessary to cope with personnel problems affecting their employees.

(2) Use of Sound Personnel Management Principles. The success of the Selective Service personnel management program is in large measure determined by the extent to which supervisory officials manage employees in accordance with sound personnel principles and practices. This requires that established personnel policies and programs be made an integral part of day-to-day operations.

4. PUBLIC POLICY CONSIDERATIONS

a. Public Interest in Personnel Management. The role of carrying out public policy adds a special dimension to federal personnel management. This policy may be expressed in law, regulations, court decisions, Presidential directives or other appropriate means. There is a strong and continuing public interest in good personnel management in the federal service, not only in the economical use of the taxpayer's dollar resulting from efficient ways of doing business, but also in the principles governing how people are hired, trained, promoted, separated and treated; in the standards of conduct they must meet as public employees; in the means by which equal opportunity is provided for all citizens; and in other considerations of how the government gets its work done through people.

b. Responsibilities for Comments and Recommendations. All supervisors and management officials are responsible for direct participation in formulating the Selective Service System's personnel management policies. On a continuing basis, these officials should advise the Associate Director for Management Services of personnel program needs within the Selective Service System, furnish comments and recommendations on new policies or changes in existing policies and consider changes in personnel procedures which may have a significant impact on our internal operations.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2425

Change Notice

MANUAL: PERSONNEL POLICIES AND
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: SPT

DATE: May 4, 2006

NUMBER: PPPM, Change 51

1. This Change Notice transmits modifications to the Personnel Policies and Procedures Manual (PPPM), Chapter 296, Processing Personnel Actions. Page changes should be made as follows:

REMOVE

Chapter 296, dated July 1983
(in its entirety)

INSERT

Chapter 296, dated APR 2006

2. File this Change Notice in the front of the PPPM. Provide any comments or concerns to the Support Services Directorate, Human Resources Division.


S. E. Benson
Deputy Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 296

PROCESSING PERSONNEL ACTIONS

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 296

PROCESSING PERSONNEL HIRING ACTIONS

1. BACKGROUND.

The Selective Service System adheres to the tenets of the federal personnel system and is guided by the rules and regulations set forth by the Office of Personnel Management when hiring employees. The Human Resources Division (SPT/HR) with the Support Services Directorate is responsible for the Agency's programs, policies, and procedures with regard to handling personnel actions of all types. SPT/HR will ensure that appropriate procedures are in place and training is provided as necessary across all layers of the Agency to ensure that timely, accurate and accountable personnel actions are completed.

Also see Headquarters Order 05-10 of June 15, 2005, for more discussion on the procedures for position management and recruitment.

2. SOURCES OF CANDIDATES.

The HR Division has several approaches to fill a vacant position. These include merit promotion and external hiring, internal details, reassignment, promotion by reclassification, and special hiring authorities.

A. Merit Promotion and Open Competitive. Candidates for position vacancies may be solicited from internal candidates using the Merit Promotion process and from all sources external to the SSS.

- (1) Certificate of Eligibles. A competitive certificate of eligibles may be requested from the Office of Personnel Management for jobs under the Merit Promotion and Open Competitive processes. For a detailed discussion of the procedures involved in obtaining a certificate of eligibles from the OPM, see Section 3, "Requesting a Certificate of Eligibles."

B. Temporary Details to Vacancies. In most cases vacancies will be career positions which may not lend themselves to being filled on a detail basis. There are, however, instances when the nature or importance of the job is such that it is essential to fill the vacancy immediately. When this occurs, a temporary arrangement, such as a detail, can be used to ensure that the vacancy is filled and the work completed. Detail assignments for periods less than 30 days may be arranged between offices or activities. For details lasting more than 30 days, see Chapter 303.

C. Filling Vacancy by Reassignment. A fairly common method for filling vacancies is by reassignment. Typically, no promotion is associated with a reassignment. Frequently, reassignments may be worked out informally by operating officials and a Standard Form 52 (SF-52) is then submitted to document the action. In these cases, the HR Division's function is to make sure that the person being reassigned is qualified, the reassignment is proper, and complete the necessary paper work. If the request for reassignment is initiated by an employee, the situation should be discussed with all interested supervisors before any further action is taken. The employee should be told at the time he makes his request that such discussion will take place. No discussion or promise should be associated with the reassignment.

(1) Concurrent Consideration of Employees and Outside Candidates. In addition to reassignment, if the vacancy to be filled is technical or professional and there are employees on the rolls qualified to fill the position, they should be given consideration for the position and encouraged to submit their resume under the merit promotion or open competition rules.

D. Promotion by Reclassification. If an employee is to be promoted by "reclassification", an SF-52 showing their name and the position to which they are being promoted should be completed by the supervisor and submitted via the chain of command through the Deputy Director to SPT/HR. The request and accompanying SF-52 should be marked "Position Review." These SF-52s should also be accompanied by copies of a newly classified position description. While promotion by "reclassification" is made without reference to the various promotion plans, the HR Division must be certain the employee meets the various requirements for promotion, such as time in grade and minimum qualification requirements. In the event that the employee is not eligible for immediate promotion, the HR Division will return the position descriptions to the appropriate officials involved.

E. Special Recruiting Authority and Veterans Readjustment Appointment The Agency may use the Veterans Readjustment Appointment Authority (VRA) to appoint qualified veterans on excepted service appointments up to grade GS-11. Veterans with Special Appointment Authority may be appointed at any grade for which they qualify.

3. VACANCY ANNOUNCEMENT.

When appropriate, vacancy announcements will be issued by the HR Division. Announcement may be made internal to SSS alone or via the OPM's national website, www.USAJobs.com. Vacancy announcements will normally be open for a minimum of five (5) to ten (10) duty days from the date of issue and will include at least the following information:

- A. Position title, series and grade;
- B. Location of the position;
- C. Brief description of duties of the positions;
- D. Education and/or experience required;
- E. Number of vacancies;
- F. Closing date of the announcement;
- G. The name and address and telephone number of the person who should be contacted for information or who will receive applications;
- H. Brief information on how to apply; and
- I. Equal Employment Opportunity statement.

4. PROCESSING REQUEST FOR PERSONNEL ACTION, SF-52.

- A. Preparation of SF-52. The recruiting and placement function begins with the supervisor's preparation of an SF-52, Request for Personnel Action, along with a cover memo describing the request in greater detail and a copy of the position description. This request must be coordinated through the Region Director, Data Management Center (DMC) Manager, or the appropriate supervisor or manager at National Headquarters (NHQ), Associate Director, SPT and forwarded to the Deputy Director in accordance with HQ Order 05-10 Position Management. Once the Deputy Director has approved the action, the SF-52 and supporting documentation will be forwarded to SPT/HR for action to fill the vacancy.
- B. Human Resources Division Actions. When SPT/HR receives the SF-52, the date of receipt is stamped on the SF-52 and the package is routed to the HR specialist responsible for taking or initiating the necessary actions.
 - (1) Placement Action. The specialist reviews the request to determine if appropriate entries have been made on the form and ensures the following actions have been completed in accordance with the Office of Personnel Management (OPM) guidelines for processing personnel actions:
 - a. Appropriate Qualification Standard Available. The HR Specialist will use the appropriate OPM Qualifications Standard, Agency OPM-approved standard or the appropriate examination announcement for all methods of filling positions.

- b. Vacancy Identified. A vacancy will be properly identified as temporary or permanent, full or part time, intermittent.
- (2) Job Vacancy Announcement. SPT/HR, in consultation with the requesting official, will arrange for distribution of the job vacancy announcement. Options available include internal, Agency only, which are handled by SPT/HR, and announcements for both internal and external candidates, which are handled by OPM.
 - a. Internal job announcements are prepared by SPT/HR and reviewed by the requesting official prior to distribution via email or on the Intranet.
 - b. External job announcements are prepared in draft form by SPT/HR and forwarded to OPM for review. OPM's draft announcement is then reviewed by SPT/HR and the requesting official prior to posting on the Internet jobs site.
- C. Selective Placement Factor. The requesting official may include "Selective Placement Factors" which include special conditions of employment such as intermittent or part-time employment, as well as specific experience requirements or major field of study.
- D. Name Certification. The requesting official may "name request" a qualified candidate. This means that the supervisor has a particular candidate in mind for the job. SPT/HR will request from the OPM that name candidates be certified if they are within reach on the register. (See paragraph 5 below for a discussion on the "certificate of eligibles.") When name certification is requested for positions at grade GS-13 or above, a statement must be included in the package regarding recruiting efforts made by the agency to obtain candidates, with a specific explanation of how the named candidate learned of the vacancy.

5. CERTIFICATE OF ELIGIBLES

- A. Use of Request for Certification, SF-39. To obtain a certificate of eligibles from the OPM, the HR Specialist will prepare and forward an SF-39 to the OPM. A copy of each SF-39 will be retained in the HR files. Entries on the SF-39 must include the following necessary information:
 - (1) Type of appointment, e.g., career—conditional or temporary if temporary, show duration);
 - (2) Number of vacancies;
 - (3) Position and series code;

- (4) Grade and Salary;
- (5) Work location; and
- (6) Statement regarding whether or not relocation expenses will be paid.
- (7) Remarks. This item will be used if it is necessary to request any of the following:
 - a. Selective Placement Factor.
 - b. Name Certification.
- (8) Request for Certification Folder. The HR specialist will complete the other items on the form, including the agency request number, which will be obtained from the "Request for Certification" folder. The folder for the previous year will be retained for six months to ensure all recorded actions are completed.
- (9) A position description will accompany all SF-39 requests to OPM.

B. Processing Actions on Certificates of Eligibles.

- (1) Working a Certificate.
 - a. Certificates should be processed by SPT/HR as soon as they are received from the OPM. Certificates will be categorized as appropriate for Merit Promotion and Competitive listings of candidates who meet the minimum qualification standards.
 - b. The HR specialist will record the date that the certificates and associated applications were sent to a particular NHQ office, Region or DMC.
 - c. The selecting official will review the lists, determine which candidates to interview, if desired, and annotate the appropriate list for the candidate selected.
 - d. Contacting Eligibles. Generally, when working a certificate the HR specialist will determine the availability of an applicant by mailing an Optional Form 5, "Inquiry as to Availability". However, prior to mailing the Optional Form 5, each application should be carefully reviewed to make certain that the applicant appears to have all necessary

qualifications for the job. In addition, an overall review of the application should be made to determine whether it has been correctly and completely executed. Applicants eliminated during this process may be non-selected for the position. In some cases applicants non-selected for the position may block other candidates on this certificate. That is, other desirable candidates will not be within reach. Selecting officials may file a written objection to preference eligible applicants through the HR Division to the OPM before they can be passed over on the certificate in favor of the next applicant. Also, SPT/HR will check to see that:

1. The lowest salary the applicant will accept is not higher than the salary paid for the position.
 2. The applicant will accept the appropriate (e.g., permanent, temporary, full-time or part-time) appointment, depending on the requirements of the job.
 3. The applicant is willing to travel as appropriate to the job description.
 4. The applicant is willing to work in the geographical location where the vacancy exists.
- e. SPT/HR will notify the selected applicant and coordinate an appropriate start work date.
- f. SPT/HR will document the reasons for an applicant's declination and request, if possible, a written response.

(2) Optional Form 5. (Contacting candidates listed on certificates of eligibles). Optional Form 5 will be completed in duplicate; the original will be mailed to the applicant and a copy will be retained with the certificate until return of the original copy or marked to show specific action, such as "failed to reply".

- a. The following items must be completed on Optional Form 5 before it is sent to the applicant:
1. Name and address of the applicant.
 2. Date form is mailed.
 3. Certificate number.

4. Position.
 5. Salary.
 6. Duty location.
 7. Type of appointment.
 8. Due date for return of Optional Form 5.
 9. Special requirements of the position, if any.
- b. Suspense Date for Optional Form 5. Whenever possible a position description or other explanatory information regarding the position in question should accompany the Optional Form 5. In setting a due date for return of Optional Form 5, the HR specialist should use reasonable judgment. If the applicants are from the local area, a minimum of ten (10) days is usually given in which to reply. For non-local applicants, the number of days is normally increased to 14 days. If the applicant does not respond to the inquiry within the specified time, they are considered to have "failed to reply."
- c. Other Means of Contacting Applicants. When used, Optional Form 5 should be considered to be an "exclusive" or an "only means" of inquiry into a candidate's availability. The use of telephone calls will greatly facilitate working a certificate (and in making reference checks as well). In some cases, the use of specially devised letters or emails may be more appropriate. The HR specialist is expected to determine, in each individual instance, the appropriate method of applicant contact. Return deadline dates should be included in any written correspondence sent to applicants. When using the telephone, the HR specialist should carefully record the results of the conversation on the working copy of the certificate of eligibles and a special memorandum for record should be prepared. For those candidates who could not be reached by telephone, a detailed narrative of the attempts made to contact must be included in the memorandum for record.
- (3) Objections to Eligibles. Objections to eligibles must have the approval of the OPM. Standard Form 62, Statement of Reasons for Objection to an Eligible or Passing over a Preference Eligible, must be used for this purpose. Instructions for completing SF-62 are found on the form itself. Supporting documents will be

attached to the SF-62 when the HR specialist obtains the signature of the HR Officer and then forwards this form to the OPM for action.

- a. If the selecting official desires to bypass a veteran on the certificate and appoint a non-veteran, these procedures for objecting to eligibles are generally followed. The "rule of three" procedures cannot be used in the selection of a non-veteran appearing lower on the certificate than a veteran. On the SF-62 "We object to the eligible named hereon" is to be checked in these cases.
- (4) Making Tentative Selection. Local applicants who have been contacted by telephone and have indicated that they are available for the position may be scheduled for interview with the selecting official. Applicants who indicated availability by replying to Optional Form 5 or letter will have their applications along with all relevant papers sent to the selecting official for review. Once the selecting official has a tentatively selected candidate, that candidate will not be scheduled to report to work or advised of selection until the certificate has been audited and approved by the HR Division.
 - (5) Returning a Certificate. When the certificate has been worked and properly annotated, the original copy of the certificate, together with the applications of those not selected, will be forwarded to the HR Officer for signature.
 - a. Applications and related papers concerning "Declinations", "Failures to Reply," and all "Communications Returned Unclaimed" will also be assembled at this time.
 - b. If the applicant has failed to return the original copy of Optional Form 5, they are considered as "failed to reply." When the HR Officer has signed the certificate, it is returned to the OPM requesting that the certificate be amended to show the applicant as a "declined" or "non-selected".
 - c. Applications of individuals tentatively selected for positions will be retained and will become a part of the applicant's official personnel folder when the applicant enters on duty.
 - d. Notification letters will typically be sent by SPT/HR to those applicants on the certificate not selected for the position.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2425

Change Notice

MANUAL: Personnel Policies and
Procedures Manual (PPPM)

RESPONSIBLE OFFICE: SPT

DATE: November 7, 2005

NUMBER: PPPM, Change 46

1. This Change Notice transmits modifications to the Personnel Policies and Procedures Manual (PPPM), Chapter 330, Recruitment, Selection and Placement. Page changes should be made as follows:

REMOVE

INSERT

PPPM 330 dated July 1983

PPPM 330 dated NOV 2005

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.

A handwritten signature in black ink, appearing to read 'S.E. Benson'.

S.E. Benson
Deputy Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 330

RECRUITMENT, SELECTION AND PLACEMENT

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 330

RECRUITMENT, SELECTION AND PLACEMENT

1. RECRUITMENT POLICY AND AIMS

- A. Recruitment Policy. The Selective Service System (SSS) will utilize all effective and proper methods of recruitment from all available sources of qualified applicants, without discrimination because of age, race, creed, color, national origin, sex, physical handicap, political belief or other irrelevant factors.
- B. Primary Aims of Recruiting. The primary aims of the Selective Service System's recruiting activity are:
 - (1) To provide a competent and stable work force for the accomplishment of its missions;
 - (2) To support Agency programs for quality career staffing; and,
 - (3) To support the principles and objectives of the Federal merit system.

2. SOURCES OF APPLICANTS

- A. Need for Adequate Supply of Eligibles. Selective Service programs for promotion and internal placement, plus outside recruitment from appropriate sources of eligibles, will normally provide an adequate supply of eligibles for position vacancies.
- B. Recruiting for Entrance-Level Positions. In recruiting for entrance-level positions of all types, and to fill temporary and seasonal hiring needs, SSS will utilize existing policy of the Office of Personnel Management (OPM).
- C. Recruiting to Meet Projected Needs. A continuing program of positive recruitment to meet projected hiring needs will be carried out in the search for high quality candidates. All SSS offices will take a meaningful part in the OPM Governmentwide cooperative recruiting programs, and will maintain effective relations with organizations and institutions which may produce or refer qualified applicants. The principles and requirements concerning equal opportunity in recruitment will be fully observed.

3. RESPONSIBILITIES FOR RECRUITMENT

- A. National Headquarters Recruiting Activity. Formal recruiting activity for the SSS is the responsibility of the Associate Director for Support Services. Specific functional responsibilities are assigned to the Human Resources Officer as appropriate.
- B. Supervisor and Employee Recruiting Responsibility. All supervisors and employees are urged to be continuously alert for potential high quality applicants who may be interested in employment with the SSS, and to encourage this interest among acquaintances.

4. QUALITY STAFFING CONCEPT

- A. Need For Best Possible Personnel. As the operations of the SSS and the Government in general become increasingly complex, the need for the best possible personnel to perform the functions of the organization grows constantly more acute.
- B. Evaluation of Long-Range Staffing. From a long-range staffing standpoint, primary attention is devoted to a system for attracting and developing men and women who have career potential. Typically, new appointees have relatively limited work experience and are usually appointed at the entrance level. The standards of selection used are designed to measure long-range potential rather than the capacity for immediate high production.
- C. Career Staffing and Program Staffing. Coexisting with the career staffing system is a program staffing system, designed to fill specific jobs at all levels with persons who already are qualified by training and experience. Program staffing, generally short-range in its objectives, is necessitated by continuing growth and change in the Selective Service System's specific functions and responsibilities, and to some extent by turnover, with an attendant recruiting need for specific skills and knowledge. Here, recruiting emphasis is on locating and attracting qualified persons who already have demonstrated career potential.

5. PURPOSE OF HIRING. The chief asset of the SSS is its employees. The continuity and efficiency of its functions depend upon a continuing supply of competent workers. It is the purpose of our hiring programs to insure and provide this supply.

6. HIRING AND INTERNAL PLACEMENT

- A. Basic Staffing Methods. There are two basic staffing methods; outside hiring and internal placement. Each presents a variety of specific ways in which vacancies may be filled. Hiring from outside may be accomplished through appointment, transfer from another Government agency, reinstatement based on previous Government service, or reemployment of former SSS employees or persons with non-competitive eligibility. Internal placement is the movement of present employees by reassignment, promotion, change to lower grade, or detail. The following material treats these hiring and placement actions individually, emphasizing the policy that governs the use of each rather than the mechanics of hiring new employees and making position change.
- B. Outside Hiring. Outside sources of qualified candidates are utilized when necessary to insure the best qualified available persons are considered for vacancies. Outside candidates may be considered concurrently with qualified SSS employees. The reemployment priority list must be checked, however, when outside hires are contemplated, since eligibles on the list must be given preference over other outside candidates.
- (1) Appointment. Except for Schedule A, Schedule B, Schedule C, seasonal, intermittent and temporary hiring, most appointments to positions in the Selective Service System are career-conditional and from competitive OPM certificates of eligibles.
 - (2) Transfer. Transfer is the term normally applicable when a person is hired directly from another Government agency or office. Lateral transfers are noncompetitive actions. They are not subject to most of the procedures which must be observed in making competitive appointments.
 - (3) Reinstatement and Reemployment. These are noncompetitive actions which may be used in hiring. Reinstatement is appropriate for the appointment of former Government employees who are eligible and qualified for specific vacancies. Reemployment involves rehiring former competitive federal employees who have statutory reemployment rights. For example, employees who were granted these rights when they went to work for an international organization.
- C. Internal Placement. There are four ways to make internal placements: Reassignment, promotion, change to lower grade, and detail. (Reduction-in-force is not included because placements which may result from these actions are usually mandatory.) The following paragraphs describe the

basic limitations of these placement techniques and the policies that must be observed in their application.

- (1) Reassignment. Movement of an employee from one position to another with no change in his or her grade or salary may be done at the discretion of operating officials in the interest of good management. Formal consent of employees is not required, but it is desirable and should be obtained if possible.
- (2) Promotion. A personnel action, through which an employee is moved upward in grade and salary, as used here, describes only actions taken within the Selective Service System. Upgrading which may occur when employees are transferred from other agencies, are not regarded as promotions for purposes of internal policy. Actions of this type are no different from other outside hires as far as staffing policy is concerned. All promotions, even those involving the transfer of an employee from another agency, must be in accordance with the provisions of the SSS promotion guidelines and the promotion plan appropriate to the position being filled.
- (3) Change to Lower Grade. An employee may be changed to a lower grade because of a reduction-in-force, misconduct, unsatisfactory work performance, or at his or her own request. If an employee asks to be assigned to a job at a lower grade than his or her present position, the supervisor should ascertain the reason and discuss the matter with the employee. An employee should not be permitted to go into a lower grade voluntarily until he or she has been fully apprised of the results of the action. A request for downgrading must be obtained in writing and placed in the employee's official personnel folder.
- (4) Detail. An employee may be detailed or temporarily assigned from his or her regular position to another position. The SSS policy and guidelines concerning details are explained in Chapter 303 of the PPPM.

7. REEMPLOYMENT POLICIES AND PROCEDURES

- A. Regulatory and Statutory Reemployment Rights. The procedure and requirements of 5 CFR 352 shall apply to all personnel actions involving regulatory and statutory reemployment rights.
- B. Administrative Reemployment Arrangements. It is the policy of the SSS to make available to other public agencies, as needed and to the extent practicable, the specialized knowledge and capabilities of its employees.

When this cannot be accomplished by loan or detail, transfer may be arranged. When a transfer is arranged, the Director or Deputy Director may effect administrative reemployment arrangements for the employee concerned. Administrative reemployment arrangements permit an employee to return to a suitable position in the SSS following completion of an assignment with another agency when it would be in the interest of the SSS and the employee.

- (1) Reasons Administrative Reemployment is Provided. Assuring continued employment after a term of service with another agency, (a) encourages employees to accept assignments in which they may make maximum contributions to the national interest, (b) advances the career development of valued employees through assignments of this kind, and (c) provides for their return to the Selective Service System at the end of the outside assignment.
 - (2) Requests For Reemployment Arrangements. The Deputy Director is authorized to approve administrative reemployment arrangements for SSS employees. Associate Directors and Directors/Managers of field components may submit requests on behalf of employees seeking employment. Their requests, with appropriate justification, should be submitted in writing through the Associate Director for Support Services and to Human Resources for concurrence. Conditions of eligibility for administrative reemployment are the same as provided for employees who move between executive agencies during emergencies. (See 5 CFR 352).
 - (3) Time Limitation of Reemployment Arrangements. Administrative reemployment arrangements may be effective for no longer than two years. Prior to the expiration of the stated period a review will be made. After that review, the Deputy Director may extend the arrangement for a period not to exceed two additional years.
- C. Information To Employees. If an SSS employee transfers to an international organization with reemployment rights under 5 CFR 352, Subpart C, he or she must be given written notification of reemployment rights.
- D. Other Reemployment Rights. Various statutory reemployment provisions are not covered by regulations. These provisions apply to certain Federal employees who enter on duty with the Foreign Service of the State Department, the Peace Corps, or in connection with the Foreign Assistance Act or the Cultural Exchange Act. All reemployment rights are covered in 5 CFR 352, Subpart C.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2425

Change Notice

MANUAL: Personnel Policies and
Procedures (PPPM)

RESPONSIBLE OFFICE:

DATE: 10/08/2009

NUMBER: PPPM, Change 64

1. This Change Notice transmits an update PPPM, Chapter 303, Management of Detail Assignments. Please make the following changes:

- 2.

REMOVE

INSERT

PPPM, Chapter 303 (July 1983)

PPPM, Chapter 303, dated OCT 2009

3. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.

A handwritten signature in cursive script, appearing to read 'Ernest E. Garcia'.

Ernest E. Garcia
Acting Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 303

MANAGEMENT OF DETAIL ASSIGNMENTS

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 303

MANAGEMENT OF DETAIL ASSIGNMENTS

1. GENERAL INFORMATION

A detail is defined as the temporary assignment of an employee to a different position for a specified period and the employee is expected to return to his/her regular duties at the end of the detail. For pay and strength count purposes, an employee on detail is considered to be permanently occupying his or her regular position.

These provisions relate only to details within the Selective Service System and SSS employees serving in competitive positions or in positions under the General Schedule, without change in the employee's civil service pay status.

2. PURPOSE

Details serve a number of useful purposes and constitute a valuable management tool. They facilitate orientation, aid in training for specific job requirements, and contribute to overall career development objectives. Details may be utilized to provide trial placements. They are also appropriate in emergencies caused by abnormal workload, changes in mission or organization, or unanticipated absences, and when official assignment description and classification of a new position or security clearance is pending.

3. RESPONSIBILITIES

- A. Supervisors are responsible for making a continuing effort to fill each position through use of the appropriate personnel actions.
- B. When it is considered essential, the detail will be kept to the shortest practicable time.
- C. The supervisor of the vacant position is responsible for completing a Standard Form 52, Request for Personnel Action, and will forward it through supervisory channels to the Human Resources Division (SPT/HR).
- D. Normally, an employee will not be detailed to perform work of a higher grade or detailed to a position with known promotion potential, except for brief periods. If there are compelling reasons for detailing an employee to

a higher grade level position, approval must be obtained from the Associate Director for Support Services.

- E. In consultation with the Human Resources Officer (HRO), managers, Region Directors and Associate Directors may approve details of up to 30 days.
- F. The Associate Director for Support Services (SPT) must approve details of 31 to 120 days.
- G. The Director must approve details that are longer than 120 days.

4. RESTRICTIONS

- A. Details will be restricted to the shortest practicable time and must be fully justified prior to the determination of which employee will be selected for the detail.
- B. Details will not be used to meet the temporary needs of a work program, except in a bona fide emergency or when the necessary services cannot be obtained by other desirable or practicable methods.
- C. No detail assignment may be made when it would appear that there is an attempt to evade the principles of the merit system or the principles of job evaluation. Accordingly, if a detail is likely to result in a promotion, selection for the detail must be on a competitive basis.
- D. Except for an emergency detail of 30 days or less, no employee may be detailed to another kind of job until a minimum of three months after competitive appointment.
- E. If the detail is expected to last more than 60 days, it must be processed under the appropriate merit promotion plan.
- F. No detail may exceed a maximum of 120 days unless the HRO endorses and SPT approves.
 - (1) Unduly extended details conflict with the principles of job evaluation and raises questions regarding the need for or the essential nature of the employee's primary job.
 - (2) Approval is not required when the work being performed is either an identical position or a position of the same grade, series, code and basic duties as the position to which employee is regularly assigned.

- G. Employees serving under an excepted appointment will not be detailed to a position in the competitive service without prior approval of the Director.

5. PROCESSING REQUESTS FOR DETAIL ASSIGNMENTS

- A. When a detail is considered appropriate or desirable, the supervisor of the vacant position will create an SF-52 and forward it through supervisory channels to SPT/HR.
- B. If a detail will require the performance of duties not adequately described in an official position description, a statement of the significant duties to be performed will be prepared for the employee's official personnel record and will accompany the initiating SF-52.
- C. When it is determined that a detail will exceed 120 days, or there is a question of the propriety of the detail, a request for prior review by SPT will be prepared on SF-52.
 - (1) Requests for details that exceed 120 days must be forwarded at least 10 duty days prior to the date employee will complete 120 days of detail.
 - (2) The request must be approved by the Division Manager and routed through the appropriate Associate Director or Region Director to SPT.
 - (3) SPT must determine if the request is fully justified and appropriate prior to endorsing the SF-52 and requesting the Director's approval.
 - (4) If approval is not granted prior to the completion of 120 days detail, the detail must be terminated and the employee returned to the duties of the position to which officially assigned.
 - (5) Extension of details beyond 120 days is not encouraged.

6. TERMINATION

The date each detail must be terminated will be entered in the remarks section of the SF-52. Each detail will be terminated no later than the date required by the SF-52, unless an extension has been requested and approved.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: December 09, 2016

NUMBER: 89

This Change Notice transmits modifications to PPPM Chapter 315, Probation on Initial Appointment to a Competitive, Supervisory or Managerial Position. The following change is made:

REMOVE

INSERT

1. Entire Chapter 315 dated June 2007 Chapter 315 dated December 2016
2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.


Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 315
PROBATION ON INITIAL APPOINTMENT TO A
COMPETITIVE, SUPERVISORY, OR MANAGERIAL POSITION

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PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 315
PROBATION ON INITIAL APPOINTMENT TO A
COMPETITIVE, SUPERVISORY, OR MANAGERIAL POSITION

1. AUTHORITY

The Selective Service System (SSS) policy derives from Title 5 USC. 3321, 5 CFR 315.801-806 and 315.901-909, and Office of Personnel Management (OPM) guidance in the General Schedule Supervisory Guide.

2. DEFINITIONS

- A. Career-Conditional. An initial appointment in the competitive service of a person who has not yet completed the required one-year probationary period, and three years of creditable, continuous federal service.
- B. Career. Permanent appointment in the competitive service conveyed automatically after successfully completing the required term of service in a career-conditional appointment. This is typically a three-year period of continuous federal service.
- C. Supervisor. An employee who accomplishes work through the direction of other people and exercises delegated authority. A first level supervisor personally directs subordinates. A second level supervisor directs work through one layer of subordinate supervisors.
- D. Manager. An employee who (1) directs the work of an organizational unit; (2) is held accountable for the success of a specific line of staff functions; (3) monitors the progress of the organization towards meeting goals, makes adjustments in objectives, work plans, schedules, and commitment of resources; and, (4) performs independently or jointly with higher management the full range of duties and related responsibilities involving program priorities in the assigned organization.

3. PURPOSE

The probationary period provides supervisors and/or higher level management time to assess a competitive employee's suitability and judge a new supervisor or manager's development and performance.

4. BASIC REQUIREMENT

- A. The first year of service for an employee appointed to a competitive position is a probationary period, if the appointee is:
 - (1) Appointed from a competitive list of eligible persons;
 - (2) Reinstated after serving under an appointment that did not require a probationary period;
 - (3) Transferred, promoted, demoted, reassigned or separated prior to completing a probationary period; or
 - (4) Appointed to the competitive service by special appointing authority (5 CFR 315.601-612) or by conversion (5 CFR 315.701-725), and must also serve a probationary period, unless specifically exempt from probation by the authority itself.
- B. All new supervisors must serve a one-year probationary period. If an employee is assigned to a position that encompasses both supervisory and managerial functions, then the one-year probationary period may be served concurrently.
- C. All new managers must serve a one-year probationary period. If an employee is assigned to a position that encompasses both supervisory and managerial functions, then the one-year probationary period may be served concurrently.
- D. The initial competitive appointment one-year probationary period may be served concurrently with a supervisory or managerial one-year probationary period.
- E. Satisfactory completion of the probationary period fulfills the requirement to serve another such probationary period in the Federal government, unless required by law.
- F. All probationary periods, whether satisfactorily completed or not, must be documented in the employee's Official Personnel Folder (OPF) as prescribed in the OPM "Guide to Processing Personnel Actions."

5. APPLICABILITY

Employees who have satisfactorily completed a one-year probationary period in a competitive, supervisory or managerial position in another Federal agency that is documented in the OPF are exempt from serving another probationary period in the SSS.

6. TRAINING

- A. Management will ensure new employees, supervisors, and managers receive appropriate training.
- B. New supervisors and managers must complete the 40-hour mandatory supervisory/managerial training requirement. The Human Resources Officer (HRO) will automatically enroll new supervisors/managers.
- C. New supervisors and managers will be evaluated quarterly during the probationary period. Feedback should be provided to new supervisors and managers on their progress.

7. FAILURE TO COMPLETE PROBATIONARY PERIOD

- A. An employee on probation during an initial competitive position appointment may be terminated for performance or conduct that fails to demonstrate suitability or qualifications for continued employment. The probationary employee must be notified in writing. The termination notice must include: (1) reason or reasons for separation (i.e., examples of unacceptable performance or conduct); and (2) effective date of action. If a probationary employee's termination is based on conditions that occurred prior to appointment, the employee is entitled to a notice of proposed adverse action, time to respond, and a notice of adverse decision under 5 CFR 315.805.
- B. Supervisory or managerial employees whose probationary performance evaluations reveal supervisory or managerial deficiencies that make the employee unsuitable for continued employment in the position will be assigned to a non-supervisory or non-managerial position. The probationary employee must be notified of the reassignment in writing. Supervisors/Managers who are concurrently serving a competitive position probationary period may be terminated as specified in paragraph 7.A.
- C. Assigning an employee to a non-supervisory or non-managerial position for reasons related to supervisory or managerial performance is not an adverse action and cannot be appealed to the Merit Systems Protection Board (MSPB). However, the action is covered by SSS grievance procedures. An employee removed from a supervisory or managerial position under 5 CFR 315.907 is entitled to be assigned to a position of no lower grade and pay than the one the employee left to accept the supervisory or managerial position. The employee is eligible for future promotions under agency guidance.

- D. An employee returned to a non-supervisory or non-managerial position under this subchapter is not entitled to grade or pay retention under 5 USC 5362-5363.

8. APPEALS AND GRIEVANCES

- A. An action to terminate a probationary employee from an initial appointment in a competitive position may be appealed to the MSPB in writing, if the termination is based on discrimination or improper procedure as defined in 5 CFR 315.806. If an employee serving a probationary period has more than one-year of current, continuous service in a non-temporary appointment, termination may be subject to 5 CFR 752.
- B. An action to assign an employee to a non-supervisory or non-managerial position in accordance with 5 CFR 315.901-909 is not appealable. An action to demote an employee to a grade lower than the one the employee left to accept the supervisory or managerial position is governed by 5 CFR 432 or 752, whichever is applicable. An allegation of discrimination due to race, color, religion, sex, national origin, physical handicap or age regarding an action to assign an employee to a non-supervisory or non-managerial position is processed as a discrimination complaint under 29 CFR 1613.201-235. Final SSS action on complaints may be appealed to the Equal Employment Opportunity Commission.

9. CREDITABLE SERVICE

- A. Prior Federal service, including non-appropriated fund service, counts towards completion of an initial appointment probation period when the prior service is in the same agency, same line of work as determined by the employee's actual duties and responsibilities, and does not include non-pay status that exceed 22 days. In practice, Federal employees with career status usually meet this requirement.
- B. Service in a supervisory or managerial position interrupted during the probationary period is creditable toward completion of a probationary period, as follows:
 - (1) An employee transferred, reassigned, or promoted to another supervisory or managerial position is subject to the probationary period prescribed for the new position. Service in the former position from which the employee is transferred, reassigned, or promoted, counts toward completion of the probationary period prescribed for the new position.
 - (2) Absence (whether on or off the rolls) due to compensable injury or military duty up to 22 days is creditable in full upon restoration to

Federal service.

- (3) Non-pay time in excess of 22 workdays extends the probationary period by an equal amount.
- (4) When an employee is separated for cause or assigned to a non-supervisory or non-managerial position during the probationary period, the employee's service during the probationary period will not count toward completion of a probationary period under a subsequent appointment.

10. RELATIONSHIP TO OTHER ACTIONS

- A. Nothing in this Chapter prohibits management from taking action against an employee who is serving a required probationary period.
- B. Nothing in this Chapter prohibits the SSS from taking action against an employee for reasons unrelated to supervisory or managerial performance.

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 310
EMPLOYMENT OF RELATIVES

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PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 310
EMPLOYMENT OF RELATIVES

I. AUTHORITY

Title 5, United States Code, Section 3110 and FPM Chapter 310 restrict public officials from appointing, employing, advancing, or advocating the appointment, employment, promotion, or advancement of their relatives (relatives defined by the law) in the agency in which they work, or over which they exercise control. This chapter provides agency policy regarding the employment of relatives.

II. COVERAGE

This policy covers compensated and uncompensated employees (including board members) of the Selective Service System nationwide.

III. DEFINITIONS

A. SELECTIVE SERVICE OFFICIAL

Selective Service Official is any person in whom authority is vested (or to whom authority is delegated) to appoint, employ, promote, or advance employees, or recommend anyone for appointment, employment, promotion, or advancement in employment in the Selective Service System. These include: the Director, Deputy Director, Executive Director, Associate Directors, Assistant Directors, Region Directors, State Directors, Division Managers, and any supervisor, regardless of his or her grade level, who has authority to appoint, promote, recommend, or select for appointment or promotion.

B. RELATIVE

Relative includes specific relationships such as: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother and half sister. When popular and legal usage differ, the strict or legal definition is applied to all these terms. Specifically, nephew means the son of a public official's brother or sister. Uncle means the brother of a public official's father or mother. Brother-in-law means the brother of a public official's spouse, or the spouse of his sister. Sister-in-law means the sister of a public official's spouse, or the spouse of his brother.

C. ADVOCACY

A Selective Service or other public official exercising control or jurisdiction over Selective Service who refers a relative for consideration by a Selective Service official for appointment, employment, promotion or advancement; or who recommends a relative for appointment, employment, promotion, or advancement anywhere in the Selective Service System, is considered to have advocated the action, whether or not the appointment, employment, promotion, or advancement of the official's relative results. A margin of safety should be observed by every official to avoid even a possibility that an action could be construed as advocating the appointment or promotion of a relative. On the rare occasion when an official's normal duties would involve him or her in the appointment or promotion of a relative, alternative methods must be sought. When doubt exists, seek advice from the Chief, Personnel Services.

IV. RESTRICTIONS

There are four basic restrictions concerning personnel actions of relatives. Selective Service officials may not:

- A. Appoint, employ, promote, or advance one of their relatives to a position in the Selective Service System;
- B. Advocate the appointment, employment, promotion, or advancement of one of their relatives in any Selective Service activity;
- C. Appoint, employ, promote, or advance one of the relatives of an official of Selective Service, if that official has advocated the appointment, employment, promotion, or advancement of the relative; or
- D. Effect a reorganization or reassignment within the Selective Service System which would provide the potential for violation of any of the above provisions.

V. EXCEPTIONS

An individual with veteran's preference is not prohibited from appointment if his name is within reach for selection from an appropriate certificate of eligibles, and an alternative selection cannot be made from the certificate without passing over the individual with preference. Although a Selective Service official may appoint a relative to a vacancy under this exception, he may not subsequently promote the relative or recommend him for promotion. Careful consideration must be given to a solution to protect the interests of the person and Selective Service.

VI. PENALTIES

Relatives of Selective Service officials appointed, employed, promoted, or advanced in violation of the above prohibitions shall not be paid. If a violation of the anti-nepotism provision is discovered, the appointee or selectee may be required to repay wages earned as a result of the improper personnel action, and disciplinary action may be taken against the official under Chapter 752 of the PPFM.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2425

Change Notice

MANUAL: Personnel Policies and
Procedures Manual (PPPM)

RESPONSIBLE OFFICE: SPT

DATE: December 12, 2005

NUMBER: PPPM, Change 50

1. This Change Notice transmits modifications to the PPPM, Chapter 340, Job Sharing/Part-Time Career Employment Program.

2. Page changes should be made as follows:

REMOVE

Chapter 340, dated July 1983

INSERT

Chapter 340, dated DEC 2005

3. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.

A handwritten signature in black ink, appearing to read 'S.E. Benson'.

S.E. Benson
Deputy Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 340

JOB SHARING/PART-TIME CAREER EMPLOYMENT PROGRAM

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A(1)(2) SAMPLES OF JOB SHARE AGREEMENTS

B SCHEDULING OPTIONS FOR JOB SHARE AGREEMENTS

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 340

JOB SHARING/PART-TIME EMPLOYMENT PROGRAM

1. PURPOSE

The key to achieving family-friendly workplaces in the Federal Government is to make full utilization of all the personnel flexibilities and resources available.

The purpose and intent of this chapter is to provide the Selective Service System (SSS) with guidance for implementing, establishing and providing opportunities for SSS employees to participate in the Job Sharing/Part-time Employment Program ("Program").

2. AUTHORITY

5 U.S.C. 3401-3408; 5 CFR 340.101-202, Other than Full-Time Career Employment (Part-time, Seasonal, On-Call, and Intermittent); and P. L. 95-437, Federal Employees Part-time Career Employment Act of 1978.

3. APPLICABILITY

The provisions of this chapter apply to all SSS organizational components and at all geographical locations.

4. EXCEPTIONS

The law permits several exceptions in an agency part-time employment program. Exceptions for the SSS are as follows:

- A. Employment of part-time employees for less than 16 hours per week may be authorized by the Director of the Selective Service System if it is deemed necessary for agency mission accomplishment.
- B. Positions above GS-15 including military flag rank officers and above are exempt.
- C. Positions where a collective bargaining agreement establishes the number of hours of employment per week.

5. DEFINITIONS

A. Part-time Career Employment

A part-time employee has a career or career-conditional appointment (or a permanent appointment in the excepted service), works between 16 and 32 hours each week (or between 32 and 64 hours a pay period) on a prearranged schedule, and is eligible for fringe benefits. Part-time employees are eligible, on a prorated basis, for the same benefits as full-time employees: leave, retirement, and health and life insurance coverage.

B. Job Sharing

Job sharing is a form of part-time employment in which the schedules of two or more part-time employees are arranged to cover the duties of a single full-time position. Generally, a job sharing team means two employees at the same grade level but other arrangements are possible. Job sharers are subject to the same personnel policies as other part-time employees. Job sharing does not necessarily mean that each job sharer works half-time, or that the total number of hours is 40 per week.

6. PROGRAM COORDINATION

Public Law 95-437 requires agencies to "provide for communication between and coordination of the activities of the individuals within such agency whose responsibilities relate to the Program." Therefore, the Human Resources Manager for the SSS is designated as the Job Sharing/Career Part-time Employment Coordinator with responsibility for:

- A. Overseeing development and implementation of job sharing/part-time employment goals and time tables;**
- B. Consulting with interested parties, e.g., EEO and Federal Women's Program officials, handicapped program coordinator, representatives of employee unions, etc.;**
- C. Responding to requests for advice and assistance on job sharing/part-time employment within the SSS;**
- D. Maintaining liaison with groups interested in promoting "Program" opportunities;**
- E. Monitoring SSS progress in expanding job sharing/part-time employment opportunities; and,**

- F. Preparing reports on job sharing/part-time employment for transmittal to the Office of Personnel Management (OPM) and the Congress.

7. GUIDANCE FOR MANAGERS, SUPERVISORS, AND EMPLOYEES

There are many task assignments performed within the SSS which could be performed by a part-time employee. The grouping of work assignments and the scheduling of work will provide positions which could be utilized to establish or convert a full-time job to a job share/part-time job. All managers and supervisors are instructed to review all positions under their supervision for the opportunity to establish part-time positions. Managers and supervisors are to coordinate with and to report designated positions to the Human Resources Manager.

The use of part-time employment is beneficial to employers. Offering part-time employment opportunities can be beneficial to employers:

- Attract or retain highly qualified employees or those with special skills who may not be able to or may not want to work a full-time schedule;
- Serve as a performance incentive;
- Increase employee effectiveness;
- Provide work coverage during recurring workload surges;
- Reduce employment expenditures when employees voluntarily reduce their work schedules; and,
- Support Agency affirmative action goals.
- Part-time employees are represented across occupational fields, pay plans, grade levels, and agencies. There is no law or regulation that limits part-time employee to specific jobs or grade levels.

8. Job Sharing/Part-time Career Employee Benefits

A. Employee Health Benefits

Part-time employees who participate in the Federal Employees Health Benefits Program receive the same coverage as full-time employees, but pay a greater percentage of the premium because the Government's share is prorated based on the number of hours the employee is scheduled to work each week. For example, an employee on a 20-hour-per-week schedule receives one-half the Government contribution towards the premium.

B. Life Insurance

A part-time employee is eligible to participate in the Federal Employees Group Life Insurance Program. The amount of insurance for which an employee is eligible is based on the part-time employee's annual salary applicable to his or her tour of duty.

C. Retirement

Retirement annuities are based on an employee's length of service and the highest annual base pay received for any three consecutive years. Each year of part-time service counts as one full year toward the length of service requirement. However, the annuity calculation for periods of part-time service after April 6, 1986, is prorated to reflect the difference between full-time and part-time service. Employees who are considering a change to a part-time work schedule should obtain an estimate of their retirement benefits from their agency's benefits office.

D. Leave and Holidays

Employees earn annual and sick leave on a prorated basis depending on the number of hours worked per pay period. An employee with less than three (3) years of service earns one (1) hour for each 20 hours worked, with three (3) but less than 15 years of service, the employee earns one (1) hour for each 13 hours worked; and with 15 or more years of service earns one (1) hour for each 10 hours worked.

Part-time permanent employees earn 1 hour of sick leave for each 20 hours worked. Part-time employees are also eligible for other kinds of leave and are covered by the rules governing the Family and Medical Leave Act of 1993 and the Federal Employees Family-Friendly Leave Act.

If a holiday falls on a day the employee normally works, the employee is paid for the number of hours he or she was scheduled to work, not to exceed 8 hours, except for an employee on a compressed work schedule. A part-time employee is not entitled to a holiday which falls on a day the employee is not normally scheduled to work.

E. Qualification Determinations

Part-time work is prorated for determining qualification requirements. For example, an employee who works 20 hours a week would receive credit for 6 months of experience at the end of 12 months of work.

F. Pay

Gross pay is computed by multiplying the employee's hourly rate of basic pay by the number of hours worked during the pay period. Except for certain employees on alternative work week schedules, overtime rates apply only to the hours in excess of 8 hours in a day or 40-hours in a week. Non-overtime hours above those normally scheduled are paid at the basic rate of pay (5 U.S.C. 5542 and Fair Labor Standards Act).

G. Reduction in Force

In a reduction in force (RIF), part-time employees compete separately from full-time employees. A part-time employee can compete only for other part-time jobs and has no assignment rights to full-time positions. Similarly, a full-time employee has assignment rights only to full-time positions and cannot displace a part-time employee.

H. Adverse and Performance-based Actions

Part-time employees have the same rights as full-time employees when disciplinary actions or performance-based actions are taken against them. Adverse and/or performance-based actions include suspensions, removals, furloughs, and reductions in grade. (A reduction in scheduled hours is not subject to adverse action procedures.)

I. Service Credit

A part-time employee earns a full year of service for each calendar year worked (regardless of schedule) for the purpose of computing dates for the following:

- Retirement eligibility;
- Career tenure;
- Completion of probationary period;
- Within-grade pay increases;
- Change in leave category; and,
- Time-in-grade restrictions on advancement.

J. Personnel Ceilings

Regular, non-overtime hours worked by part-time employees count toward the Agency's full-time equivalent (FTE) work year personnel ceiling. A part-time position counts as a percentage of a full-time job. For example, an employee who works 24-hours a week is counted as 0.6 FTE.

9. JOB SHARING/PART-TIME CAREER EMPLOYMENT REQUIREMENTS AND PRACTICES

A. Reviewing Vacant Positions

When a position becomes vacant, the immediate supervisor of the position will notify in writing the Human Resources Manager as to the feasibility of occupancy of the position on a career part-time basis.

B. Establishing and Converting Part-time Positions

Public Law 95-437 requires each agency to develop procedures and criteria for establishing or converting positions for part-time employment. In conformance with this requirement, employees of the SSS will be notified that they may request and receive consideration to switch from full-time to part-time schedules. This is strictly on a voluntary basis and no employee will be required in any fashion to make the request for conversion to part-time. The approval of any employee's request for change from full-time to part-time employment is shared by the employee's immediate supervisor, the Budget Officer, and the SSS Director or a staff person designated by the Director.

C. Notifying the Public of Part-time Vacancies

Part-time Career employment vacancies will be publicized. In addition, OPM notifies the public of part-time vacancies on its website: www.usajobs.opm.gov.

D. Changes in Work Schedule of Part-time Career Employees

The greatest flexibility will be permitted within the SSS to change the work schedule to a part-time tour of duty (16 to 32 hours per week) or on a case by case basis to less than 16 hours per week.

E. Eligibility for Promotion and Training

Job sharing/part-time Career employees are eligible for all promotional and training opportunities on an equal basis with full-time career employees.

10. EVALUATION AND REPORTING

The internal, on-going personnel management evaluation process will, as a matter of continuing concern, provide an analysis and comment of the SSS' Job Sharing/Part-time Career Employment Program to OPM as requested.

Appendix A(1)

Sample One Job Sharing Agreement

MEMORANDUM FOR:

FROM:

SUBJECT: Proposed Job Share for Employee A and Employee B

SUMMARY:

This memorandum proposes the establishment of a job share for the position _____ currently encumbered by _____. The proposed job share would partner Employee A with Employee B in management of the _____ Program and the _____ Program. In addition to strengthening the staff, this action would ensure the retention of two highly experienced employees with specialized area and program backgrounds. The proposal has been discussed informally with the staff involved and they have concurred with the proposal. We ask that the action be approved under the terms and specifications suggested below.

BACKGROUND

This proposal is made as a one-year pilot project whose continuation will depend on a formal evaluation by management at the end of the 12-month period. If deemed successful by the evaluating elements, the arrangement would be continued indefinitely. In the unlikely event that the pilot is evaluated as unsuccessful, management would propose that the unit be combined with the Division staff and that all supervisory responsibilities would be assumed by the Division Chief. In any event, the pilot project and any subsequent extension are proposed as experimental and non-precedent setting.

With regard to the assignment of responsibilities, supervisory and management assignments and scheduled work hours, we propose the following:

Employee A and Employee B will each work three days per week (40 total hours) with Wednesday as the overlapping day of the week.

Employee A will be assigned primary responsibility for the _____ Program. In that role, she will be the direct supervisor of the Program Officer and will rate her performance and approve her leave request. She will function as selecting officer for the position and any other position that might be assigned to the _____ Program in the future (subject to approval by the Division Chief). Employee B will have secondary responsibility for the _____ Program.

Employee B will be assigned primary responsibility for the _____ Program. In that role, she will be the direct supervisor of a still-unnamed Program Officer. She will also be the responsible supervisor for the Unit Secretary. She will rate the performance of both employees, approve their leave requests and serve as selecting officer for both positions (subject to approval by the Division Chief).

On the overlapping work day, management and supervisory responsibilities will not differ from the other days of the week. Each will report directly to the Division Chief or Deputy Division chief on activities that relate to their primary program assignments. In the absence of one job share partner on the overlapping work day (or any other day), accountability for the secondary program assigned is automatically assumed by the partner present.

All time and attendance recordkeeping and reporting for the Unit will be handled by the Division Secretary, with approval of the Division Chief.

In the event that one of the job share partners decides to resign or transfer from the unit, the position will automatically revert to a full-time position with the expectation that the remaining job share partner will assume the full time requirements of the above position, including a 40-hour work week.

DISCUSSION OF CREDENTIALS

The candidates for this proposed job share are both exceptional employees with crucial backgrounds and experience and excellent performance records.

Employee A has been Unit Chief since March, 2000. She holds an MA in public administration and joined the Agency as a Presidential Management Intern in 1993, rotating through a number of Agency offices until she joined this Unit. She has a wide general knowledge of Agency exchange programs and is the expert on these programs.

Employee B holds an MA in Public Administration and joined the Agency in 1999. She started work in the Bureau as a program officer, developing an impressive background and expertise in the area which lead to her promotion to Senior Program Officer. In order to assume a part-time schedule, she requested a voluntary reassignment where she is currently a program officer in the unit. She is eligible for re-promotion on a non-competitive basis. In her current position, she has accrued wide experience with its Programs and has some responsibility for unit affiliations, making her particularly valuable to the unit which has expanding programs.

ACTION REQUESTED

That management concur with the establishment of a job share for the position under the conditions outlined above.

APPROVAL PROCESS

Concur/Nonconcur _____ Date _____
Division Chief

Concur/Nonconcur _____ Date _____
Associate Director

Concur/Nonconcur _____ Date _____
Associate Director for FM

Concur/Nonconcur _____ Date _____
Director/Deputy Director

Comments:

APPENDIX A(2)

Sample One Job Sharing Agreement

To: Manager/Supervisor

From:

Re: Job Sharing

This represents an initial proposal for implementing job sharing for the position of Branch Manager. While job sharing may be done in many ways, the one we feel best relates to our situation as two equally qualified Branch Managers is to share between us one entire job, including all of its responsibilities and duties. Each of us will be accountable for everything.

Individual systems and methods will be integrated by consensus. A diary system is to be set up for all routines and strictly adhered to. At least one representative will attend all manager meetings, conferences and training seminars. Audit will be shared jointly except in areas that can be clearly distinguished. With respect to staff and personnel matters, there is a strong need for clear communication of joint expectations and objectives to all staff, open-door policy for staff, communication between partners and joint feedback, joint preparation of performance reviews and joint presentations. Campaigns will be the responsibility of both partners -- work schedules will accommodate peak periods and deadlines for major campaigns.

Both partners will take vacations at the same time or stagger their vacation, whatever method works best for the particular time chosen. The partners agree that any maternity leave would be limited to 17 weeks. The working partner would work full-time to cover the leave. Normal procedures are to be followed for sickness, operating short staffed unless unusual circumstances occur, in which case the other partner would cover.

The work schedule would be prepared one month in advance and a copy forwarded to the Manager for reference. All scheduling would be completed by the two partners and any necessary changes would be worked out between the partners.

Each partner will work two full days and one five-hour day. The excess cost would be \$2,581 per year in terms of salary. This does, however, allow for overlap of 2.5 hours per week, which we feel is important in making job sharing a success.

If one partner were to leave the agency or request full-time work, we propose that if a compatible partner could be found and it is agreeable to the employer and both employees, the system could continue. If no compatible partner is available, and an

original partner left the agency, then the remaining partner would return to full-time employment. If one or both partners request full-time employment, then they would be considered for the next available opportunity.

We have given this concept a great deal of thought and are prepared to commit ourselves to job sharing for a period of five to ten years. We have known each other for four years and feel comfortable with each other. We have similar backgrounds with respect to education and bank management training. We want job sharing to work and we are both committed to work out any problems that may arise.

We agree to a four-month trial period with ongoing assessment and feedback from employer and partners. Customer assessment will be incorporated into the standard Customer Service Survey, and staff assessment will be incorporated into the standard Employee Relations Survey. Feedback modifications to the system are to be mutually agreed upon by both partners and employer. If the agency decides to terminate the Job Sharing Agreement, a notice period of eight weeks will be given, and both partners will be offered comparable full-time positions in the area or given a choice of part-time management if the individual desires.

(Signature and date)

(Signature and date)

Appendix B

Scheduling Options for Job Sharers

Ideally, the supervisor and the job sharing team should jointly determine how the work-week will be divided. While the needs of the office are paramount, a successful arrangement will take into consideration the needs of the employees as well. Several options are possible, including split days, alternate days or weeks, and flexible or compressed work schedules if the agency permits it.

For example:

- One employee could work Monday, Tuesday, and Wednesday; the other, Thursday and Friday. The next week the team could reverse so that each would work a total of 5 days per pay period. (Note that the number of hours worked by each team member may be the same or different, and the combined hours may total 40 hours or more or less.)
- Each sharer could work consecutive weeks beginning on a Wednesday.
- One member of the team could work Monday, Tuesday; the other, Thursday and Friday. On Wednesday, both employees could work a full or half day, depending on the need for overlapping time. (A certain amount of overlap time may be necessary.)

When job sharers want to work on alternate weeks, certain scheduling requirements must be met. In order for a part-time employee to be regularly scheduled – and eligible to earn leave– he or she must have one hour of work scheduled in each week of the bi-weekly pay period. Also, a part-time employee may not be scheduled for more than 32 hours per week. Within these requirements, one job sharer could be scheduled for 32 hours in week A and in week B. The employees would have to take annual leave (or granted leave without pay) for the one hour in the week he or she wanted to be off. Job sharing on a 6-months on, 6-months off basis should be handled differently. In this situation, the employees would be considered full-time and could be granted leave without pay at the agency's discretion.

The example might give the impression that job sharers' time on the job must be mutually exclusive. While this may be true in most cases, employees can overlap some or all of the time, depending on the nature of the work and the availability of space and equipment.

Job sharing offers supervisors considerable flexibility in scheduling. Temporary rearrangement of hours does not require paperwork, but consideration needs to be given to employee concerns such as child care or class schedules. Job sharing also allows the supervisor to match the work schedules to workload peaks. For example, one

job sharer could work an early morning tour and the other, a tour late in the day, with no coverage in the middle of the day. Further, since job sharers can often swap schedules to cover for each other's absences, the office has the benefit of a built-in backup system. (Advance arrangements should make clear the conditions under which one team member would be expected to work additional hours in the absence of the other and how work will be performed if one of the job sharers were to leave the position.)



Selective Service System

National Headquarters / Arlington, Virginia 22209-2425

Change Notice

MANUAL: Personnel Policy and
Procedures Manual (PPPM)

RESPONSIBLE OFFICE: SPT

DATE: July 31, 2006

NUMBER: PPPM, Change 53

1. This Change Notice transmits modifications to the Personnel Policy and Procedures Manual (PPPM), Chapter 335, Merit Promotions Guidelines and Merit Promotion Plan. The current chapter and all appendices are being rescinded and replaced. Page changes should be made as follows:

REMOVE

INSERT

Entire Chapter 335, with various
dates, including July 1983
and February 1988

Chapter 335, dated JUL 2006

All Appendices A thru D, also with
various dates

Appendix A, dated JUL 2006

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.

A handwritten signature in black ink, appearing to read 'S.E. Benson'.

S.E. Benson
Deputy Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 335

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SELECTIVE SERVICE SYSTEM

PPPM CHAPTER 335

MERIT PROMOTION GUIDELINES

1. INTRODUCTION

- A. Purpose. The following guidelines establish the framework for the merit promotion program within the Selective Service System (SSS) and define the objectives of the program, the principles governing promotion practices, and the features that are common to all promotion plans.
- B. Scope/Applicability. Promotion plans are statements of the procedures that are followed in making promotions. Positions are grouped under the same plan when most of the important provisions, such as the method of locating candidates, the techniques for evaluating candidates' qualifications, and the ranking procedures, are the same for all positions in the group. This plan does not cover positions under the excepted authority.
- C. Authority. Code of Federal Regulations (CFR), Title 5, Chapter 1, Part 335.

2. PROGRAM OBJECTIVES

- A. Primary Objective. The primary objective of the SSS' merit promotion program is to fill positions from among the best qualified persons who are available, taking into consideration the immediate and long-range needs of the Agency.
- B. Secondary Objective. The secondary objective, important in itself and also contributory to the primary objective, is to give all employees an opportunity for fair and equitable consideration for promotion to positions for which they qualify. The promotion program does not, however, emphasize promotion to the exclusion of other established methods of placing well-qualified persons into positions, such as appointment from Civil Service lists of eligibles, reassignment, transfer or reinstatement.
- C. Benefits. By striving to reach these objectives, the Agency hopes to realize the following related benefits:
 - (1) Increased career development opportunities for competent employees;
 - (2) Higher levels of employee performance and work satisfaction;

(3) Retention of capable employees.

3. PROMOTION PRINCIPLES

- A. Best Qualified and Balanced Staffing. Promotion procedures shall be directed toward locating the persons best qualified and available for the positions to be filled, keeping in mind the need for balanced staffing and meeting the Agency's long-term needs.
- B. Fairness and Equity. Promotion procedures and requirements shall be applied with fairness and equity.
- C. Equal Opportunity. The promotion program shall provide equal opportunity to all employees. Selections shall be made from among the persons best qualified to perform the duties of the position to be filled without regard to race, color, religion, national origin, sex, political belief, age, marital status, handicap, or any other factor.
- D. Award Consideration. Due consideration is given to awards under the Incentive Awards Program or other awards relating to job performance that have been granted to eligibles.
- E. Performance. No employee shall be promoted unless he or she has a current Performance Rating of at least "Fully Successful".
- F. Use of Other Methods. The promotion program shall not preclude the use of other methods of filling positions since the objective of locating the best-qualified persons under a fair and equitable system should always be kept in mind. When a more effective selection can be made by appointment, transfer, reinstatement, reassignment, or noncompetitive promotion under the provisions of paragraph 5 of this chapter, one of these other methods may be used by agreement of the selecting official and the Human Resources Officer.
- G. Publicity. Information about the program shall be publicized so that management and employees will have the opportunity to understand its objectives, procedures, and results.
- H. Grievance or Complaint. Employees shall be entitled to have their grievances heard if they believe that promotion plans have not been followed or that any of the requirements of this chapter have been violated. If discussion with the supervisors or members of the human resources staff does not prove satisfactory, the employee may submit a formal complaint under the internal grievance procedure, which is explained in Chapter 771 of this manual, or under the Agency Equal

Employment Opportunity (EEO) program. Failure to be selected is not in itself a proper basis for a formal complaint or grievance if the promotion principles and procedures were followed properly.

- I. Time-In-Grade. While employees may be selected for promotion, the actual promotion may not be made until the employee has served in his or her present grade level in accordance with established OPM qualification standards, as follows:

<u>FROM</u>	<u>TO</u>	<u>MONTHS</u>
GS-1	GS-3	3
GS-3	GS-5	6
GS-5	GS-15	12

4. RESPONSIBILITIES FOR PROMOTION PROGRAM

- A. Human Resources Officer (HRO). The Human Resources Officer is responsible for developing, administering, and periodically evaluating the promotion plan for all Agency positions, including:
 - (1) Informing management and other employees about the program and career opportunities available;
 - (2) Ensuring that the promotion program is related to other personnel programs and that these programs, especially manpower planning, training, and career development, are compatible with merit principles;
 - (3) Evaluating the promotion program periodically to determine its effectiveness; and
 - (4) Seek and give careful consideration to the views and suggestions of supervisors and employees alike.
- B. Supervisors. Supervisors have a key role in the operational success of the merit promotion program. They are responsible for explaining provisions of the program to employees, for advising and assisting employees in career-development matters, and for encouraging employees to apply under appropriate vacancy announcements. They are asked to evaluate employees carefully and conscientiously, to serve on candidate evaluation panels, and to assist in determining job requirements. As selecting officials, they should consider all available information about employees certified to them for consideration, prior to making their decision.
- C. Employees. Employees are responsible for making use of opportunities for learning about the provisions of the promotion plans that affect them and for

inquiring about any provisions or actions under the plans that they do not understand. Employees have an obligation to develop themselves so that they perform well in their present positions and become prepared for future opportunities for career progression. If they wish to be considered for promotion, employees have an obligation to enter competition by the methods explained in the plans that affect them to keep their qualifications record up to date and to participate in interviews or other processes used to evaluate promotion qualifications.

5. TYPES OF PROMOTIONS

A. Competitive Promotions. Competitive promotions are made in accordance with the provisions of the Agency promotion plan. The qualifications of candidates are evaluated to determine best-qualified. Selection is made from the best qualified.

B. Non-Competitive Promotions. Non-Competitive promotions (i.e., career promotions and exceptions) are made without competition and without reference to the competitive procedures of a promotion plan.

(1) Career Promotions (Non-Competitive). Non-competitive promotions can be made under the following circumstances, if the employee was selected for their current position from a list of eligibles or by competitive promotion procedures under a Merit Promotion Plan:

a. Approved Training Agreement Promotions. Promotion based on satisfactory completion of training under a formally approved training agreement.

b. Restore Position to Original Higher Grade. Promotion of an employee in a position which was previously reduced to a lower grade and then, subsequently restored to the original higher grade.

c. Career Ladder Promotion. Successive promotions of an employee until he or she reaches the full performance level in a career ladder position is authorized when demonstrated performance meets the next higher level, the individual meets time-in-grade requirements, and the supervisor recommends the promotion. Federal qualifications standards must be met. This type of promotion is not an inherent right of an employee but must be earned by performance. Supervisors do not have the authority to promise a promotion will be effective on any specific date. A current Performance Rating of Fully Successful or better

under the appropriate SSS Performance Appraisal Plan is required.

- d. Accretion of Duties. Promotion resulting from reclassification in accordance with OPM Classification Standards to a position because of additional duties at a higher level that are considered grade controlling. The employee must continue to perform the same basic duties, and his or her former position must be absorbed administratively into the new position. A promotion to a supervisory position from a non-supervisory position cannot be made by this method. The period of time over which the increase must take place will vary with the kind of position; a longer period is generally required for a higher-graded position to grow. Normally, the required gradual assumption of duties would not occur in a period of less than six months, but each situation must be decided on its own merits.

(2) Exceptions (Non-Competitive). There are also certain other types of promotions which will be excepted from competition under a promotion plan:

- a. Changes in Classification Standard/Correct Original Classification. Promotion resulting from a change in OPM classification standards or from the correction of an error in the original classification of the position where the duties of the position remain the same.
- b. Re-promotion. Promotion of employees within the area of consideration who are demoted or separated under the following circumstances while employed in the Selective Service System:
 - 1. Previous Demotion without Personal Cause. Employees, who have been demoted without personal cause after holding the higher grade on an unlimited time basis. The term "without personal cause" means without misconduct or inefficiency of the employee and not at his or her request.
 - 2. Formerly Separated/Reemployed in Lower Grade. Employees, who resigned after receiving a general notice of reduction-in-force or were separated by reduction-in-force and later reemployed at a lower grade.

3. Accepted Lower Grade (Involuntarily). Employees, who accepted a lower-grade position in lieu of a reduction-in-force or in lieu of relocation in a transfer of function, or who resigned or were separated after declining to accompany a transfer of function, and then returned at a lower grade.
- c. Special Consideration. All the employees who qualify under paragraph 5.B.(2) above will receive special consideration in filling a vacancy by promotion. Special consideration does not guarantee re-promotion, but means that those employees eligible for it shall be considered before candidates under the competitive promotion plan. If a selecting official bypasses an employee given special consideration, and then bypasses the same employee if he is certified as being one of the best qualified, the official must state his or her reason in writing for not selecting the employee. The statement will be reviewed by the approving official for validity and will then be made a part of the promotion record.
- d. Failure to Receive Proper Consideration. Promotion of an employee who failed to receive proper consideration in a promotion action, if the erroneous promotion is allowed to stand. The employee must be given special consideration, before candidates under the competitive promotion plan, for the next appropriate vacancy to make up for the consideration lost. He/she may be selected for promotion to this vacancy, in competition with any others who may be receiving special consideration for the same reason, as an exception to the promotion plan. Under this provision, an employee is entitled to one consideration for each time they fail to receive proper consideration.

6. PROMOTION PLANS

- A. General Plans. All competitive promotions are made in accordance with the provisions of the plan that applies to the position being filled. Positions will be grouped under plans by grade level or job category throughout Selective Service System.
- B. Supervisory Positions. Supervisors selected for their initial assignment to a supervisory position with the federal government must receive appropriate 40 hours of supervisory training either before they enter the new position or shortly thereafter. Supervisors and/or Managers new to the federal government will serve a one (1) year supervisory/managerial

probationary period. Exceptions to this rule will be as prescribed in CFR 315.904 (c).

- C. Provisions of the Plans. The following provisions apply to plans covering competitive promotions. All jobs will be posted throughout the Selective Service System. (Note: Relocation allowances are not generally allowed; only the Director or Deputy Director can authorize such an allowance.)
- (1) Minimum Areas of Consideration. Promotion plans shall specify the minimum geographic areas within which employees will be considered for promotion to positions subject to the plan. All eligible employees within the minimum area of consideration will be considered or given the opportunity to apply for consideration, for promotion to position vacancies filled under the plan.
 - a. Geographic Area for Positions at Grade-13 and Above. The minimum area of consideration for position at grade GS-13 and above shall be nationwide.
 - b. Geographic Area for Positions at Grades-GS-9 through 12. The minimum area of consideration for position at grades GS-9 thru GS-12 shall be the geographic area served by the region within which the vacancy is located.
 - c. Geographic Area for Positions at GS-8 and Below. The minimum area of consideration for position at grade GS-8 and below shall be the local commuting area.
 - (2) Employees Outside Minimum Area of Consideration. Selective Service System employees who live outside the minimum area of consideration are eligible to compete for all SSS vacancies for which they qualify.
 - (3) Insufficient Quality Candidates/Expanding Area of Consideration. When the list of candidates within the area of consideration does not include enough highly qualified candidates to permit a good choice (roughly three to five), the area of consideration may be systematically extended until sufficient candidates are found. In the event the plan fails to produce three to five highly qualified candidates, but does produce one or two extremely well-qualified candidates, the area of consideration need not be extended, provided that the selecting official indicates at least one of the candidates is acceptable. The expanded area may include only the neighboring Region, may be gradually extended in widening circles, or may be made nationwide immediately. All available employees in the expanded area who submit the necessary application must

be considered. They must be evaluated under the same standards and by the same evaluation and ranking techniques as employees within the minimum area of consideration.

- (4) Candidates Outside Selective Service System. To provide fresh viewpoints and new ideas, concurrent referral may be given to candidates outside the Selective Service System. However, a person under concurrent referral may not be transferred or reinstated unless he/she is evaluated against competitive promotion standards along with Selective Service employees eligible for promotion and is found to rank among the best-qualified. For most jobs, the Agency will advertise government-wide and via open competition for all candidates within the geographic area. Exceptions may be made based on consultations between the selecting official and the HRO.

D. Methods of Locating Candidates. Any reasonably effective method may be used for locating candidates. Typically they are located by automatically considering all qualified employees in the minimum area of consideration or by soliciting applications from those who are interested in being considered. Current SSS employees who are absent for legitimate reasons such as leave, temporary duty, training course, in the military service, on detail or serving in public international organizations or on Intergovernmental Personnel Act assignments are given appropriate consideration for promotion as other employees.

E. Qualification Standards. Before any position is filled by promotion, it must be covered by a qualification standard. Minimum qualification requirements established by OPM will serve as the basis for determining eligibility. In those rare instances where qualification standards supplemented by selective factors do not meet the SSS' needs, newly proposed standards will be developed and submitted to OPM for approval. Qualification requirements must be valid, reasonable, related to the needs of the position and consistent with the normal requirements of OPM qualification standards. This standard must equal the standards published for Government-wide use but will not go beyond them, except that selective placement factors, which have been made a part of the standard, may be used. When necessary, selecting officials, working with the human resources staff, will study the demands of the position to be filled and the setting in which it operates to determine what specific background and abilities are essential to perform the duties successfully. Any selective factors will be established in advance of the screening of competitors. All qualification standards used will be applied systematically to all candidates with fairness, equity and uniformity.

- (1) Ranking Factors. Selecting officials will also work with the human resources staff to determine what abilities, experience and training will enable a candidate to perform well in the position being filled. They are ranking factors used to identify the best-qualified eligibles. They must be reasonable, related to the demands of the position and directed toward pointing out those most likely to succeed in the positions.
- (2) Changes to Qualifications Standards. Qualification standards and selective factors for positions cannot be modified once the promotion process is started, unless an incorrect standard has been used in error, or a new standard has been issued for Government-wide use. If it is necessary to change a qualification standard, then all employees eligible under the new standard shall be considered. Selective placement factors and ranking factors are kept in a master file, with date of use, identified as a guide for qualifications when similar positions are to be filled in the future.

F. Evaluation and Ranking Techniques. Each promotion plan describes the techniques to be used in evaluating the qualifications of employees competing for promotion to positions under the plan. Various techniques can be used in the evaluation process, including:

- Review of pertinent experience and training;
 - Interview;
 - Performance Appraisals & Incentive Awards; and/or
 - Performance Test.
- (1) Choosing the Technique. The technique or techniques to be used will be determined by the kinds of qualifications to be evaluated. Those used must be analyzed conscientiously to assure they measure the abilities being sought and do not reflect qualities unrelated to the requirements of the position being filled. Supervisory evaluations of performance can be useful and may be used as appropriate as one of the evaluation techniques.
 - (2) Rating Against Qualification Standard. To determine eligibility for promotion consideration, the qualifications of all candidates are rated against the basic qualification standards for the position to be filled. Those who do not meet the standard are rated ineligible and are excluded from further consideration for the position being filled.

- (3) Rating Best Qualified. After candidates are rated eligible or ineligible, all eligible candidates must be evaluated to determine the best qualified. Candidates' qualifications are compared with the evaluation factors derived from job requirements to estimate how well they may be expected to perform in the position being filled. The result of this comparison is a prediction of potential success for each candidate. In evaluating candidates, appraisals of past and current performance, and appraisals of potential, training received, awards received, and self-development activities must be considered.
- (4) Ranking Candidates by Group. Candidates may be ranked collectively by group (candidates within each group remain undifferentiated and are considered equally qualified), or individually by relative standing, usually determined by a composite numerical score. The group will be titled "best qualified," "well-qualified" and "qualified."
- (5) Explanation of Ranking or Promotion Score. Each promotion explains how competitors will be evaluated and ranked, by whom, and how evaluation information is combined into a final promotion score or groupings. Upon completion of the ranking process, those merit promotion candidates who are determined to have the highest scores will be referred and listed in alphabetical order (Note: Numerical scores will not appear on the merit promotion certificate. Open competition lists include scoring.)

G. Certification and Selection Methods

- (1) Certification of Best Qualified. Promotion certificates are always issued for vacancies filled under merit promotion plans. Only the best-qualified candidates, as determined by the evaluation process, are certified for competitive promotion. If the grouping method is used, the entire group of best qualified is certified, and candidates from lower groups may not be included. When individual ranking is used, "top-of-the-register" (i.e. rated and ranked as "best qualified") certification of a specified number of eligibles listed in alphabetical order is referred to the selecting official.
 - a. However, before competitive eligibles are considered, any employees who qualify for noncompetitive special consideration must be considered. The names of special consideration eligibles will be listed prior to competitive eligibles and will be so identified. The number of eligibles (other than special consideration eligibles) on a certificate normally should be three to five candidates for each position.

In unusual cases, up to ten may be certified if no meaningful distinction can be made which results in a small number.

- (2) Expanded Area of Consideration. As previously stated, if the best of the candidates for promotion are not highly qualified, then candidates from an expanded area of consideration should be considered or candidates should be sought from other sources to find better-qualified eligibles.
- (3) Selection of Candidate. Any of the candidates who are certified may be selected. Once selection of a candidate is made, the HR Specialist will make the job offer to the selectee. Selecting officials must avoid practices that may lead employees to believe that a person was pre-selected for a job filled under competitive promotion procedures or that a promotion was based on favoritism; these are prohibited personnel practices. The selection shall be based solely on job related criteria and must be made without regard to irrelevant factors such as race, color, sex, religion, national origin, labor organization, affiliation or non-affiliation, political belief, age, non-disqualifying physical handicap or marital status. The selection and promotion of relatives will be governed by the restrictions imposed by Section 3110 of Title 5, United States Code (CFR Part 310).
- (4) Release of Employee for Promotion. Successful candidates must be released for their new duties within a reasonable length of time – normally, at the end of the first complete pay period following selection.
- (5) Notification to Employees Non-Selected. Once selection of a candidate is made, the HR Specialist notifies all applicants interviewed but not selected of their non selection. If the promotion certificate is returned unused, no action or notification concerning non-selected applicants is necessary.

7. PROMOTION RECORDS

- A. Retention Period. Records adequate to allow the reconstruction of any promotion action must be maintained for two years or after program is reviewed by OPM, whichever occurs first.
- B. Documentation. The Standard Form 50 for the promotion will be placed in the employee's Official Personnel Folder and will state the plan and the certificate from which the promotion was made through competitive procedures and the reason for the promotion when it was noncompetitive.

8. INFORMATION TO EMPLOYEES

- A. Entrance on Duty. Employees' acceptance and support of the merit promotion program depend upon their understanding of its purpose and operation. Therefore, the following information about merit promotions must be given to employees when they enter on duty:
- (1) The basic principles of the Federal Merit Promotion Policy;
 - (2) The policies and procedures of the Selective Service System's program which applies to them;
 - (3) The promotion opportunities available to employees; and
 - (4) The kinds of plans in use and the means by which employees can be considered for higher-level positions.
- B. Access to Promotion Plan. Employees are to have ready access to the Merit Promotion Plan. This may be accomplished by posting a copy on the Agency website.
- C. Information Available at Employee's Request. Information as to whether an employee was found eligible or not on the basis of the minimum qualifications for the position is to be made available to an employee.
- D. Restricted Data and Records. The following information is not to be made available to an employee or anyone acting on his or her behalf:
- (1) Any record of production, any supervisory evaluation or appraisal of current or past performance used in considering any other employee for promotion.
 - (2) Any records or assessments of others considered for a position by any means (appointment, reinstatement, transfer, etc).
 - (3) Any listing of employees considered for a promotion, either in the form of a promotion or reassignment certificate working papers, or initial consideration listing.

9. EVALUATION OF PROMOTION PLANS

- A. Review and Evaluation of Promotion Plan. The Selective Service System will review and evaluate the operation of its merit promotion program when updates or changes to established guidelines directly impact the current plan or at least every two years. This evaluation may include a solicitation of views from employees.

- B. Erroneous Promotions. If erroneous promotions are found to have been made, the situation will be thoroughly investigated and action will be taken in accordance with the provisions of 5 CFR Part 335.

PERSONNEL POLICIES AND PROCEDURES MANUAL

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PPPM CHAPTER 335

APPENDIX A

MERIT PROMOTION PLAN

1. INTRODUCTION

The provisions of this Merit Promotion Plan govern all competitive promotions and other competitive placements to positions throughout the Selective Service System. Competitive promotions, career promotions and exceptions to competitive promotions are explained here in Chapter 335 of the Selective Service System Personnel Policies and Procedures Manual, and in Title 5, Chapter 1, Part 335 of the Code of Federal Regulations (CFR).

2. CONFORMANCE TO PROMOTION POLICY

All actions taken under this plan will conform to the requirements of the Federal and Selective Service System (SSS) Merit Promotion Guidelines. The policies and procedures in these two sources will not be repeated here. SSS employees may access PPPM Chapter 335 by accessing the Agency official Intranet website at <https://online.sss.gov>, under the Agency library link.

3. RESPONSIBILITIES

- A. **Management.** Whenever a position is to be filled, management officials have a responsibility to select a person who can best contribute to the needs of the specific position at that time. While special consideration is given to promotion of employees of the Selective Service System, frequently all sources of candidates must be explored before a selection is made. The broad view will assist in achieving balanced staffing and will permit the final choice to be made from among those best qualified to attain the work objectives. In other words, the Selective Service System seeks a balanced staff of employees with a variety of abilities and different kinds of experience, who will compliment or supplement each other to meet current and future needs. If a position has known promotion potential, the action will be carried out in conformance with competitive procedures as outlined in Federal and SSS guidelines.
- B. **Supervisors.** Supervisors have a significant role in the operational success of the Selective Service System's merit promotion program. In order to ensure success and employee acceptance of this plan, supervisors are responsible for:

- (1) Explaining the various provisions of the merit promotion program to their employees;
- (2) Advising and assisting employees in career-development matters;
- (3) Encouraging employees to compete for open vacancies;
- (4) Evaluating and recommending employees carefully and conscientiously;
- (5) Considering all available information about employees certified for consideration prior to making a decision; and
- (6) Ensuring that the selection process truly provides equal opportunity for promotion to all employees.

4. COVERAGE

Generally, all promotions in the competitive service at any location will be made in accordance with the principles specified herein, except the following:

- A. Positions Upgraded Without Significant Changes. Promotion to positions upgraded without significant changes in duties and responsibilities permits the promotion of an incumbent due to the issuance of a new classification standard, or the correction of a classification error. If the incumbent meets established requirements for the higher grade, noncompetitive promotion must be accomplished; unless, he or she is removed from the position through proper personnel procedures.
- B. Re-promotion Eligibles. Re-promotion may be accomplished to grades or positions from which an employee was demoted without personal cause. Any SSS employee demoted without personal cause is entitled to special consideration for re-promotion. Although not guaranteed re-promotion, ordinarily the employee should be re-promoted or very seriously considered for re-promotion when a suitable vacancy occurs in a position at the former grade (or any intervening grade), unless there are persuasive reasons for not doing so. The selecting official will be furnished the name and qualifications of each employee entitled to special consideration for re-promotion before efforts are made to fill the vacancy by other means. If the selecting official considers an employee under the provision, but decides not to select him for promotion, and then the employee is certified to the official as one of the best-qualified under competitive promotion procedures for the same position, the selecting official must then state specific reason(s) in writing for the non-selection of the employee.

- C. Failure to Receive Proper Consideration. If an employee fails to receive proper consideration in a promotion action and the promotion of another employee that is otherwise proper is allowed to stand, the employee must be considered for the next vacancy for which he or she is qualified to make up for the lost consideration. An employee may be selected for promotion in competition with others entitled to the same special consideration as an exception to competitive promotion procedures.

5. AREA OF CONSIDERATION

- A. Positions at Grade GS-13 and Above. The area of consideration for positions at GS-13 and above will be through all sources nationwide.
- B. Positions at Grade GS-12 and Below. The area of consideration for positions at GS-12 and below will normally be the geographic area served by the Region within which the vacancy is located. Positions at GS-8 and below will normally be the commuting area in which the position is located. This area of consideration may be expanded at the request of the selecting official with the approval of the Human Resources Officer.
- C. Temporary Promotions and Details. Competition for temporary promotions and for details to a position of higher grade or with known promotion potential is limited to employees within the commuting area where the position exists.

6. LOCATING CANDIDATES

- A. Preparation of SF-52. When a vacancy occurs, the responsible supervisor will prepare and forward to the Support Services Directorate, in accordance with Position Management Headquarter Order 05-10, a Request for Personnel Action (SF-52) with a copy of the position description and any changes in the position noted on the position description. The SF-52 must also include the selecting official's recommendation as to the type of promotion to be made.
- B. Referral of Special Consideration Candidates. The Human Resources Division will furnish the selecting official with the names and qualifications information regarding any employees entitled to special consideration because of demotion through no fault of their own or because of failure to receive proper consideration in a previous promotion series. The selecting official is not required to select an employee from this listing, but the employee must be fully considered for the position. If no selection is made from this listing the listing and other documents will be returned to the Human Resources Division.

- C. Locating Candidates. The usual method of locating candidates is through the issuance and distribution of a Vacancy Announcement. The Vacancy Announcement is prepared and issued by the Human Resources Division and is based on the position description, area of consideration and any special skills, knowledge, and abilities needed to perform successfully in the position. These special qualifications are established by the Human Resources Division and the selecting official.
- D. Distribution of the Vacancy Announcement. Distribution of the Vacancy Announcement generally conforms to the area of consideration. If sufficient well-qualified candidates can be expected to result from distribution only within the agency, the distribution may be so limited. However, all competitive vacancy announcements are forwarded to USAJOBS to be announced on the OPM website. This is to provide public notice.
- E. Content of the Vacancy Announcement. Whenever applicable, the vacancy announcement will clearly state that applications will be accepted only from persons with re-instatement or transfer eligibility. The vacancy announcement will contain the following information:
- (1) Title of the position, series and grade (or grades if promotion potential exists);
 - (2) Duty location;
 - (3) Opening date for receipt of applications;
 - (4) Closing date for receipt of applications (no applications received after the closing date may be considered, nor will incomplete applications be considered);
 - (5) Brief description of the duties of the position;
 - (6) General and specialized experience requirements and if applicable, knowledge, skills and abilities considered desirable;
 - (7) Information to be submitted with the application, such as statement by applicant as to where and how he or she has demonstrated any special knowledge, skills and abilities required for the position;
 - (8) If an OPM Form for "Supervisory Appraisal of Potential" is required, the Vacancy Announcement will so state;
 - (9) Statement regarding Equal Employment Opportunity Policy and Reasonable Accommodations; and

- (10) Statement that applications and other documents submitted will not be returned to applicant.

7. QUALIFICATION STANDARDS

- A. Determining Basic Eligibility. Use the standards provided under the guidelines in Chapter 335 to determine basic eligibility for competitive promotion or reassignment.
- B. Use Of Selective Placement Factors. When applicable, selective placement factors are used in screening candidates to determine those eligible for consideration. Selective placement factors are additions to the basic requirements of a qualifications standard that are needed for a particular job situation. For example, experience in a certain program, particular kind of work, or a specific language capability might be necessary. Selective factors will not be used unless they are actually needed for satisfactory performance in the job. Selective factors will be identified in advance of screening candidates, and will be made part of the promotion record.
- C. Filling Supervisory Positions. When supervisory positions are to be filled, basic eligibility for consideration depends upon potential applicant's possession of the knowledge, skills, and abilities to perform the duties as outlined in the OPM Supervisory Guide.

8. QUALIFICATION FACTORS

- A. Qualification Factors. The qualifications of employees eligible for the position to be filled are evaluated to determine those best qualified. The determination is made by matching the candidates' knowledge, skills, and abilities against the evaluation factors, which enable an employee to perform the duties of the job competently. The evaluation factors must be reasonable and related to the demands of the job to be done. If the position is recognized as developmental and has a known potential for advancement, the evaluation factors will relate to the target noncompetitive promotion, it is only necessary to make a determination that the action recommended is valid and the incumbent of the position meets the qualifications standards for the series and proposed grade level. Determination of basic eligibility is the responsibility of the Human Resources Division.
- B. Use of Pertinent Information. A candidate's qualifications will be evaluated on the basis of all available pertinent information, including:

- (1) Experience relevant to the position to be filled; when applicable, unpaid experience will be credited;
 - (2) Training, including self-development efforts and other activities which have supplied experience relevant to the position;
 - (3) Employee's most recent (within previous 18 months) Performance Appraisal, which demonstrates their abilities in present position or a written statement as to why one can not be provided must be submitted; and
 - (4) Awards and training demonstrating abilities needed in the position to be filed.
- C. Responsibility for Final Candidate Evaluation. The final evaluation of candidate qualifications is the responsibility of the Human Resources Division.

9. EVALUATION PROCESS

- A. Human Resources Specialist. Normally, the Human Resources Specialist evaluates all applications submitted to determine the best qualified applicants to be submitted to the selecting official when there are less than five. When there are more than five minimally qualified applicants, the HR specialists will convene a panel of at least two subject matter experts (SME) outside of the supervisory chain but familiar with the vacant position. The SMEs will rate and rank the applicants and provide a numeric score for each applicant. The HR specialist using the panel member's qualifications rating sheets, determines "cut-off" points in deciding what numerical rating separates "Best Qualified" from other qualified candidates, makes up the merit promotion certificates, and oversees establishment and maintenance of the promotion records (keeps sufficient records to allow for reconstruction). If fewer than 5 candidates are determined by the Human Resources Division to be best qualified, all may be certified and referred to the selecting official.
- B. Lack Of Sufficient Candidates. If only one basically qualified candidate has made applications for a position, normally no certificate is issued (based on consultation with the selecting official); in which case the vacancy is re-announced with greater distribution or publicity in an attempt to obtain further candidates. The original candidate is not required to re-apply but is considered with other candidates. Consideration of the use of an OPM Certificate of Eligibles may be appropriate at this point.
- C. The Interview Process. When a Promotion Certificate is received by the selecting official, he/she may interview candidates if the official believes it

to be advisable. It must be emphasized that if one candidate is interviewed, all must be contacted and offered an opportunity to be interviewed. A telephone interview may be deemed more appropriate if it is more cost effective to do so or if a personal face-to-face interview appears to be impracticable. The interview process should be uniform so that all candidates may be similarly evaluated. (Note: SPT/HR can provide additional guidance on how to properly conduct a job interview.)



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: May 16, 2014


NUMBER: Change 74

This Change Notice transmits modifications to PPPM Chapter 410, Training Program. The following amendments are made:

REMOVE

INSERT

1. Entire Chapter 410 dated SEP 2005 Chapter 410, dated MAY 2014
2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner


Lawrence G. Romo
Director

Distribution: 1-7, 30

SELECTIVE SERVICE SYSTEM

PERSONNEL POLICES AND PROCEDURES MANUAL (PPPM)

CHAPTER 410

TRAINING PROGRAM

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 410

TRAINING PROGRAM

1. PURPOSE:

The purpose of this Chapter is to establish policy and guidelines for civilian, full-time employee training and development within the Selective Service System (SSS).

2. AUTHORITY:

Executive Order 11348, Executive Order 13114, Government Employees Training Act (5 U.S.C. 4101-4119), and the Code of Federal Regulations (CFR) 5 CFR Part 410 are the documents of authority for this Chapter. The Government Employees Training Act does not cover Presidential appointees. The Office of Personnel Management (OPM) delegates to the head of each agency the authority to authorize training for officials appointed by the President. In exercising this authority, the head of an agency must ensure that the training is in compliance with Chapter 41 of Title 5, United States Code.

3. NATURE OF PROGRAM:

In accordance with the laws governing this Chapter, the aim of the SSS is to implement an Agency-wide training program that:

- A. Supports the Agency's Strategic Plan and performance objectives;
- B. Improves an employee's current job performance;
- C. Allows for expansion or enhancement of an employee's current job;
- D. Enables an employee to perform needed or potentially needed duties outside the current job at the same level of responsibility; and
- E. Meets organizational needs in response to human resources plans, human capital plans, Agency restructuring, and/or changes in programs.

4. RESPONSIBILITIES:

A. Supervisors are responsible for:

- (1) Assuring employee training and development are consistent with the requirements of this policy;
- (2) Determining the training needs of their employees;
- (3) Notifying the Human Resources Officer of the need for group training as soon as the need is identified in order that the services of the appropriate vendor may be procured;
- (4) Verifying that employee training requests are properly authorized before employees enroll in courses;
- (5) Maximizing the impact of training funds by determining alternative low or no-cost training options, such as through online courses available via USA Learning;
- (6) Evaluating program effectiveness, courses, and costs required;
- (7) Evaluating and analyzing completed training to determine whether the training is contributing effectively to the Agency's missions, goals, and objectives;
- (8) Establishing priorities for training when developing and implementing individual development plans (IDPs) with employees;
- (9) Completing training forms, Standard Form 182 (SF-182), and providing copies to the Human Resources (HR) Office for processing; and
- (10) Providing employees with adequate time to complete training courses offered online.

B. HR is responsible for:

- (1) Establishing policy and providing guidance for basic program elements;
- (2) Providing direction, guidance, and assistance to develop and document employee IDPs;
- (3) Distributing information on courses available via USA Learning;

- (4) Procuring and scheduling employee training with the assistance of the Logistics Office (LO);
- (5) Managing the Agency's training budget;
- (6) Evaluating training across SSS to determine how well it meets organizational needs by providing an annual agency training program assessment to the Chief of Staff by January 1 of each year for the previously completed fiscal year; and
- (7) Ensuring reporting requirements to OPM are met.

C. Employees are responsible for:

- (1) Assessing their own individual developmental needs in relation to the organization's missions, goals and objectives;
- (2) Identifying their critical training needs on their IDPs;
- (3) Identifying and requesting approval for training through appropriate management channels in a timely manner;
- (4) Ensuring that they have been registered for training with the vendor;
- (5) Completing all training for which they have enrolled; and,
- (6) Submitting a course completion certificate and an SF-182 (copy 9) to HR within 30 days of the last day of training.

5. DETERMINING TRAINING NEEDS:

Supervisors are responsible for assessing the individual training needs of their employees through the use of IDPs. Supervisors should consider the following criteria when assessing training needs and priorities:

- A. Impact upon effective performance in completing the missions, goals, and objectives of the organization, which is the top priority for training employees;
- B. Organizational requirements, program changes, and new assignments;
- C. Employee identified training needs in IDPs;
- D. Impact upon performance of duties likely to be assigned in the near future;

- E. Impact upon full performance status of individuals in Upward Mobility positions;
- F. Availability of funds;
- G. Alternative delivery methods; and
- H. Cost effectiveness.

6. TRAINING DELIVERY METHODS:

- A. Several methods of training delivery are available to the Agency and employees. Most personnel are aware of and have attended some form of formal classroom training. Many have gained experience/expertise via on-the-job training or through paper-based training courses. The advent of the electronic age has given rise to computer-driven training applications as well as online training courses. The Agency supports all these types of delivery methods.
- B. Supervisors should select the appropriate delivery method based upon several considerations:
 - (1) Content meets the needs of the Agency;
 - (2) If content is available through more than one delivery method, determine the most efficient and effective method;
 - (3) Cost considerations, including tuition as well as per diem, as well as the availability of training funds;
 - (4) Costs associated with an employee's absence from the job site for training, i.e. timely or critical work not completed due to an employee's absence at a formal classroom training course; and
 - (5) Convenience to the Agency and the employee.
- C. The Agency sponsors participation in the online learning center, USALearning. Hundreds of courses are available at no additional charge to the employee and with no travel or per diem costs to the Agency. Online course curricula may directly support training needs identified in employee IDPs.

7. ASSIGNMENT AND SELECTION OF EMPLOYEES FOR TRAINING:

Supervisors will ensure fair and equitable selection and assignment of employees for training. Discrimination on the basis of race, color, religion, gender, sexual orientation, national origin, age, disability, political affiliation, marital status, or any other non-merit factor is strictly prohibited.

- A. Competitive Selection. Supervisors must ensure that eligible employees are given reasonable opportunities to compete when requested training may lead to promotion opportunities. Merit promotion procedures must be followed in selecting career, career conditional, or term employees for training given primarily to prepare for advancement and/or required for promotion (e.g., college or university courses which meet minimum educational requirements set by OPM for the position to which the trainee would be promoted) and for training which helps employees meet minimum educational requirements for reassignment to a position in a different field of work with known promotion potential at the time of selection for training. Merit promotion procedures do not apply if the employee to be trained has already been selected under merit promotion procedures or the training is associated with a promotion that is not covered by these procedures.
- B. Other Instances. In other instances, where competitive procedures do not apply, employees should be selected on the basis of job performance, job requirements, and prior training received.
- C. Eligible Employees.
 - (1) All permanent Agency employees are eligible to receive Agency-sponsored training.
 - (2) Employees assigned in temporary billets may be provided training opportunities on a case-by-case basis. During an actual mobilization, the Agency will likely acquire additional employees in a short time frame, including temporary employees. In this scenario, the temporary employees would be included in the training program.
 - (3) Contract workers are not eligible for Agency-sponsored training.

8. NOMINATION PROCEDURES:

- A. Submission of Training Requests. Requests for employee training (excluding in-house training) will be documented using the SF-182.
 - (1) Training requests will be submitted through the employee's supervisor at least 15 working days prior to a course's starting date unless the vendor requires earlier submission.
 - (2) All training requests should include a written justification linking the course objectives to the employee's specific job tasks.
 - (3) Employees will receive a copy of their SF-182 as verification that the training was approved.
- B. Registration. Upon receipt of a signed and approved SF-182, the training coordinator in HR will register employees for the requested course. Employees are responsible for rescheduling if they cannot attend training on the date(s) specified on the SF-182 and must notify the training coordinator immediately regarding their rescheduled date(s).

9. PAYMENT OF TRAINING EXPENSES:

Employee training is funded out of an Agency-wide training budget managed within HR.

- A. Payment of Expenses. The Agency has the authority to pay all or part of any expenses associated with training, contingent upon available funding. Costs for associated employee travel and per-diem will not be paid from the training budget, but will be paid for by the requesting office from funds appropriated for staff travel, unless the funds are included as part of the course fee.
- B. The costs associated with training courses available from the Small Agency Council Training Program and the online USALearning center are handled by HR.
- C. Incomplete Training. Federal rules require that all training involving appropriated funds must be completed successfully. Employees may be held liable for payment of training costs when training is not completed or rescheduled within one year from the date specified on the SF-182.
- D. Restriction on Degree Training. As proscribed by law (see 5 U.S.C. 4107(b)), the Agency may not authorize, without competition, the selection and assignment of an employee for training, or the payment or reimbursement of the costs of training when:

- (1) The purpose is to provide an opportunity to an employee to obtain an academic degree in order to qualify for an appointment to a particular position for which the academic degree is a basic requirement.
- (2) The sole purpose of providing an opportunity to an employee is for the attainment of one or more academic degrees.

Exception: To recruit or retain employees in shortage or critical skill occupations, agencies may pay for education that leads to an academic degree. Merit system principles apply to announcing academic degree programs and selecting candidates for them. (Additionally, see 5 CFR 410.308.)

E. Inappropriate Training. Section 714 of the Consolidated Appropriations Act, 2014, prohibits the use of appropriated funds for inappropriate training. Specifically, none of the funds made available to SSS may be obligated or expended for any employee training that:

- (1) Does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;
- (2) Contains elements likely to induce high levels of emotional response or psychological stress in some participants;
- (3) Does not require prior employee notification of the content and methods to be used in training and written end of course evaluation;
- (4) Contains any methods or content associated with religious or quasi-religious beliefs systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or
- (5) Is offensive to, or designed to change, participants' personal values or lifestyles outside the workplace;

F. Continued Service Agreement. In accordance with 5 CFR 410.309, a continued service agreement must be signed by an employee for training that exceeds 80 hours for which SSS has approved payment of training costs (Appendix A, SSS Form 410). Continued service will be for a period of three times the length of the training, unless the employee is involuntarily separated from SSS.

10. TRAINING RECORDS AND REPORTING REQUIREMENTS:

- A. Each agency is to maintain records of its training plans, expenditures, and activities, as required by 5 CFR 410.302(d). Thus, HR will retain completed SF-182 training forms, including each employee's course evaluations (Copy 9) and course completion certificates. The following are minimal data elements that must be recorded for every instance of training: name of employee, estimated cost of training, dates of training, source of training, and course title.
- B. OPM periodically seeks information about federal training and requires agencies to furnish training data for monitoring and accounting purposes. HR is responsible for submitting all employees' training and development data to the OPM Government Electronic Data Collection system in accordance with the Guide to Personnel Recordkeeping and the Guide to Human Resources Reporting.



SELECTIVE SERVICE SYSTEM Appendix A

Continued Service Agreement

Selective Service System (SSS) employees who participate in training that exceeds 80 hours for which the Agency has approved payment of training costs are required to complete the Agreement to Continue in Service.

Agreement to Continue in Service To be completed by applicant:

1. I agree that, upon completion of the Government sponsored training described in this authorization, if I receive salary covering the training period, I will serve at SSS three (3) times the length of the training period. If I received no salary during the training period, I agree to serve the agency for a period equal to the length of training, but in no case less than one month.
2. If I voluntarily leave the agency before completing the period of service agreed to in item 1 above, I agree to reimburse SSS for fees, such as the tuition and related fees, travel, and other special expenses excluding salary paid in connection with my training. These fees are reflected in Section C, Costs and Billing Information, Standard Form 182.
3. I further agree that, if I voluntarily leave SSS to enter the service of another Federal agency or other organization in any branch of the Government before completing the period of service agreed, I will give the SSS HR Office written notice of at least 10 working days during which time a determination concerning reimbursement will be made. If I fail to give this advance notice, I agree to pay the full amount of additional expenses, specified in 5 U.S.C. 4108 (a) (2) incurred by the Government in this training.
4. I understand that any amount of money which may be due to SSS as a result of any failure on my part to meet the terms of this agreement may be withheld from any monies owed me by the Government, or may be recovered by such other methods as are approved by law.
5. I further agree to obtain approval from my organization and the person responsible for authorizing government training requests of any proposed change in my approved training program involving course and schedule changes, withdrawals or incompletions, and increased cost.
6. I acknowledge that this agreement does not in any way commit the Government to continue my employment. I understand that if there is a transfer of my service obligation to another Federal agency or other organization in any branch of the Government, the agreements will remain in effect until I have completed my obligated service with that other agency or organization.

Period of obligated Service: _____

Employee's Name & Signature: _____

Date: _____



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: August 01, 2016

NUMBER: 82

This Change Notice transmits modifications to PPPM Chapter 351, Workforce Reshaping: Reduction-In-Force. The following amendments are made:

REMOVE

INSERT

1. Entire Chapter 351 dated March 2003
2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner

Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 351

WORKFORCE RESHAPING: REDUCTION-IN-FORCE

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1. PURPOSE

This Chapter describes workforce reshaping and reduction-in-force (RIF) procedures in the Selective Service System (SSS) in compliance with the authority and references below.

2. BACKGROUND

As Government works more efficiently and effectively, organizations need to approach new ways of managing human capital. Work needs to be accomplished in new ways with fewer resources. Agencies may need to restructure to meet mission changes. Employees will need to understand the changing nature of their organization and the way work will be structured and completed. The climate and practices that are developed can impact the organization and its outcomes for years to come. To undergo a dramatic change requires top leadership support and involvement. Coping, growth and survival all involve maintaining the integrity of the organization and its leadership. Workforce reshaping tools include Voluntary Early Retirement Authority and Voluntary Separation Incentive Payments (also known as buyouts) as well as reduction-in-force. Although Strategic Sourcing and developing a Most Efficient Organization (MEO) may not be cost effective for a small agency such as the Selective Service System, some MEO tools may be useful when engaged in workforce reshaping:

- Change management
- Competency identification
- Skills gap analysis
- Recommendations for training and development

The Office of Personnel Management (OPM) Workforce Reshaping Operations Handbook with Appendices provides mandatory procedures agencies must follow and suggests options that may reduce the likelihood of involuntary separations.

3. AUTHORITY AND REFERENCES

5 U.S.C., 1302, 3502, 3503; 5 CFR Part 351; 430 and 531, Guide to Processing Personnel Actions (Creditable Service). Fiscal Manual Chapter 7: Personnel and Pay Processes.

4. POLICY

- A. Under Office of Personnel Management (OPM) regulations, the SSS has the responsibility to plan work and organize the workforce to accomplish the SSS mission. As part of this responsibility the SSS determines positions required, where they are located, and when they are to be filled, abolished or vacated. The SSS has the right to make all decisions on abolishment of positions, whether a RIF is necessary and, when it will take place.
- B. The SSS will administer RIF procedures to accomplish necessary reductions in personnel strength with the minimum practicable disruption to mission achievement and dislocation of employees. Consideration will first be given to the feasibility of achieving personnel reductions through hiring restrictions, planned attrition, or other means of reducing staff without a RIF.
- C. The SSS will inform employees as soon as practicable of any plans or requirements for a RIF which may affect them. Employees will be accorded fair and equitable treatment under the retention regulations of OPM and the provisions of this Chapter.

5. SCOPE

- A. The provisions of this chapter apply to all compensated civilian SSS employees except:
 - (1) Employees whose appointment is confirmed by or made with the advice and consent of the United States Senate;
 - (2) Employees in the Senior Executive Service (SES);
 - (3) Employees who are reemployed Civil Service Retirement System (CSRS) annuitants serving at the will of the appointing officer;
 - (4) Employees who are covered by contract services.
- B. A personnel action must be taken under RIF procedures when the cause of the action and action to be taken meet the following criteria.
 - (1) The action to be taken is release of an employee from a competitive level by:
 - (a) separation;
 - (b) furlough for more than 30 days;

- (c) demotion; or,
 - (d) Reassignment requiring displacement.
- (2) The cause of the action is:
 - (a) lack of work;
 - (b) shortage of funds;
 - (c) insufficient personnel ceiling;
 - (d) reorganization;
 - (e) an individual's exercise of reemployment or restoration rights; or,
 - (f) Reclassification of a position due to erosion of duties when such action will occur after formal announcement of a RIF.

6. DEFINITIONS

ASSIGNMENT RIGHT

The right of an employee to be assigned to a position (by bump or retreat) in the second round of competition.

AVAILABLE POSITION

The position to which a competitive service displaced employee may be entitled and which:

- (1) is in the same competitive area;
- (2) will last at least three months;
- (3) is occupied by an employee who is subject to displacement by the employee being released;
- (4) is a position for which the released employee qualifies in accordance with the qualification standards of OPM Handbook X-118;
- (5) has a representative rate no higher than that of the position from which the employee is being released; and,
- (6) Has same type of work schedule, i.e., part-time or full-time.

BUMP

Bumping is an employee's right of assignment to a position occupied by another employee in a lower tenure group, or in a lower tenure subgroup within the same tenure group, in another competitive level in the same competitive area. Bumping is based on retention subgroups; length of service does not count.

COMPETING EMPLOYEE

An employee in tenure group I, II, or III.

COMPETITIVE AREA

The geographical and organizational boundaries in which employees compete with each other in a RIF.

COMPETITIVE LEVEL

A group of positions with the same grade and classification series that have similar duties and other requirements.

COMPETITIVE SERVICE

The service consists of civil service positions except those:

- (1) which are specifically excepted from the competitive service;
- (2) to which appointments are made following confirmation by the Senate; or,
- (3) Which are in the Senior Executive Service.

CREDIT FOR PERFORMANCE

Credit for job performance received by an employee during RIF competition. The credit is given in years added to the employee's service computation date.

CRITICAL ELEMENT

A work assignment or responsibility of such importance that unacceptable performance in the element would result in a determination that an employee's overall performance is unacceptable.

CURRENT RATING OF RECORD

Is the rating of record for the most recently completed appraisal period as provided in 5 CFR 351.504(b)(3).

DAYS

Calendar days.

EXCEPTED SERVICE

This service consists of civil service positions which are specifically excluded from the competitive service by statute, by the President, or by regulations issued by OPM.

FUNCTION

All or clearly identifiable segment of an agency's mission (including all integral parts of that mission), regardless of how it is performed is an example of function. Individual jobs (i.e., Personnel Management Specialist) generally do not constitute a function.

FURLOUGH

Under this part means, the placement of an employee in a temporary nonpaid status for more than 30 consecutive calendar days, or more than 22 work-days if done on a non-continuous basis, but not more than one year.

LOCAL COMMUTING AREA

The geographic area which usually constitutes one area for employment purposes. It includes any population center (or two or more neighboring areas) and the surrounding localities in which people live and reasonably can be expected to travel back and forth daily to their employment.

MODAL RATING

The summary rating level assigned most frequently among the actual ratings of record that are:

- (1) Assigned under the summary level pattern that applies to the employee's position of record on the date of the reduction-in-force.
- (2) Given within the same competitive area; or at the Agency's option within a larger subdivision of the agency or agency wide; and

- (3) On record for the most recently completed appraisal period prior to the date of issuance of reduction in force notices or the cutoff date the agency specifies prior to the issuance of reduction in force notices after which no new ratings will be put on record.

NOTICE

An official written communication from an Agency official to an individual employee stating that the employee will be reached for RIF action.

PERFORMANCE RATING

The written, or otherwise recorded, appraisal of performance compared to the performance standard(s) for each critical and noncritical element on which there has been an opportunity to perform for the minimum period.

RATING OF RECORD

The performance rating prepared at the end of an appraisal period for performance of Agency assigned duties over the entire period and the assignment of a summary level within a pattern. These constitute official ratings of record.

REORGANIZATION

Planned elimination, addition, or redistribution of functions or duties in an organization.

REPRESENTATIVE RATE

The fourth step of the grade for GS positions, using the locality rate. The GS representative rate is also used for employees receiving special salary rates. For Wage Grade employees, the second step of their grade is the representative rate.

RETENTION REGISTER

A list of competing employees within a competitive level who are grouped by tenure, veteran preference, and length of service augmented by performance credit.

RETENTION STANDING

An employee's relative standing on a retention register based on tenure, veteran preference, and length of service augmented by performance credit.

RETREAT

Retreating is an employee's right of assignment to an essentially identical position based on the established competitive level criteria previously held by the released employee as a competing employee in the agency (i.e., the position is in tenure group I, II or III or equivalent).

ROUNDS OF COMPETITION

The different stages of competing for retention and assignment in a RIF. The first round is competition to remain in the employee's present competitive level. The second round is for assignment to a position in another competitive level.

SUBGROUPS

Subcategories within each tenure group based on veteran preference.

TENURE GROUPS

The categories, based on tenure of employment, used to determine employees' retention standing in a RIF.

TRANSFER OF FUNCTION

- (1) The transfer of the performance of a continuing function from one competitive area and its addition to one or more other competitive areas, except when the function involved is virtually identical to functions already being performed in the other competitive area(s) affected; or,
- (2) The movement of the competitive area in which the function is performed to another commuting area.

UNDUE INTERRUPTION

A degree of interruption that would prevent the completion of required work within the allowable limits of time and quality. A program probably would likely be unduly interrupted if an employee needed more than 90 days after a RIF to be able to perform successfully the critical elements of a position.

7. POSITION MANAGEMENT

- A. When not all positions in an organization are abolished, the Director's Forum member may be asked to provide a recommendation and justification for positions to be abolished or retained. The justification

may include a cost analysis. The Director of Selective Service, or designee, will make the final decision.

- B. Director's Forum member will note any selective factors for retained positions in their organizations. These factors will be used in determining assignment rights, and should be related only to the position.

8. COMPETITIVE AREAS

An employee's competitive area is determined by the permanent official duty station. Duty stations to which employees are assigned by detail, temporary reassignment, temporary promotion, or other non-permanent assignment do not establish an employee competitive area. The following are competitive areas for the SSS.

- A. Employees duty stationed at National Headquarters in Arlington, VA, and assigned to all offices at that location.
- B. Employees duty stationed at Great Lakes, Illinois, and assigned to offices reporting to the Director for the Data Management Center-one competitive area.
- C. Employees duty stationed at Marietta, Georgia, and reporting to the Region Director-one competitive area.
- D. Employees duty stationed at Great Lakes, Illinois, and reporting to the Region Director-one competitive area.
- E. Employees duty stationed at Denver, Colorado, and reporting to the Region Director-one competitive area.

9. COMPETITIVE LEVELS

- A. Each position in the SSS is assigned to a competitive level. A competitive level is made of positions which are in the same grade and classification series and which are similar enough in qualification requirements, duties, pay schedules, and working conditions that the incumbent of one position could successfully perform the critical elements of any other position upon entry into it, without any loss of productivity beyond that normally expected of any new, but fully qualified employee.
- B. Separate competitive levels must be established for competitive and excepted positions; and for excepted positions filled under different appointment authorities.

- C. Among either excepted or competitive positions, separate levels must be established for positions:
- (1) Under different pay schedules, i.e., GS or WG;
 - (2) Filled with different work schedules, full-time, part-time, seasonal or intermittent;
 - (3) Formally designated as trainee or developmental in nature in accordance with 5 CFR 351; and,
 - (4) Filled by a supervisor or management official as defined in OPM's Supervisory Grade Evaluation and in 5 U.S.C. Section 7103 (a) (10) and (11).
- D. The following do not require separate competitive levels:
- (5) Differences in the number of hours or weeks scheduled to be worked by other than full-time employees who otherwise would be in the same competitive level;
 - (6) Requirements to work changing shifts; or,
 - (7) Promotion potential of positions.

10. RETENTION REGISTERS

When a proposed personnel action will result in the release of a competing employee from a competitive level, the Human Resources Office (HRO) will establish a retention register for that competitive level.

A. ORDER OF REGISTER

- (1) Tenure Group I, II or III; within each Tenure Group by veteran preference Subgroup AD, A, or B; and within each Subgroup, by length of service including credit for performance.
- (2) Except for employees on military duty with restoration rights, all competing employees officially assigned to positions in a competitive level are listed on the retention register for that competitive level.
- (3) Noncompeting employees in a competitive level are released from their competitive levels before any employee in Group I, II, or III is released from those competitive levels by RIF. Names of noncompeting employees are listed separately from retention registers.

B. TENURE GROUPS

(1) Competitive Service Tenure Groups are:

- (a) Group I: employees serving under career appointments, but not serving a probationary period.
- (b) Group II: career-conditional employees serving probationary periods for initial appointment to a competitive position.
- (c) Group III: employees serving under indefinite appointment, temporary appointment pending establishment of a register (TAPER), term appointment, status quo appointment or any other nonstatus nontemporary appointment.

When an employee is serving a probationary period for a supervisory or managerial position it does not affect the tenure group for RIF.

(2) Excepted Service Tenure Groups are:

- (a) Group I: permanent employees whose appointments carry no restriction or condition, such as conditional, indefinite, specific time limit or trial period.
- (b) Group II: employees serving trial periods or whose tenure is equivalent to a career-conditional appointment in the competitive service.
- (c) Group III: employees whose tenure is indefinite; whose appointment have a time limitation of more than one year; or whose appointments are limited to one year, but who have completed one year of current continuous service.

C. VETERAN PREFERENCE SUBGROUPS

(1) Within each tenure group, employees are listed in veteran preference Subgroups:

- (a) Subgroups AD: preference eligible employees who have a compensable service-connected disability of 30 percent or more.
- (b) Subgroup A: preference eligibles not in Subgroup AD.

(c) Subgroup B: employees not eligible for veteran preference.

(2) Eligibility of Retired Members

(a) Retired below rank of 0-4. To be considered a preference eligible for RIF purposes an individual who retired below the rank of 0-4 must meet one of the criteria listed below.

(1) The retirement is based on disability that either resulted from injury or disease received in the line of duty as a direct result of armed conflict; or was caused by an instrumentality of war and was incurred in the line of duty during a period of war.

(2) The employee's retired pay is not based on 20 or more years of full-time active service, regardless of when performed but not including periods of active duty for training.

(3) The employee has been continuously employed in a position covered by this chapter since November 30, 1964, without a break in service of more than 30 days.

(b) Retired at or above rank of 0-4. To be considered a preference eligible for RIF purposes, an individual who retired at or above the rank 0-4 must meet one of the criteria listed below.

(1) The employee is a disabled veteran as defined in section 2108 (2) of title 5, U.S.C., and either receives retired pay not based on 20 or more years of full-time active service, regardless of when performed but not including periods of active duty for training.

(2) The employee has been continuously employed in a position covered by this chapter since November 30, 1964, without a break in service of more than 30 days.

D. LENGTH OF SERVICE

Within each Subgroup, employees are listed by length of service, in descending order, starting with the earliest service date. An employee's service date is one of the following:

- (1) Date of entrance on duty if the employee has no previous creditable service; or,
- (2) Date obtained by subtracting total creditable previous service from the date of latest entry on duty; or,
- (3) Date obtained by subtracting from (1) or (2), above, the number of years of service credited to the employee for their performance.

E. CREDIT FOR PERFORMANCE

- (1) An employee will receive additional service credit for performance consisting of the mathematical average (rounded in the case of a fraction to the next higher whole number) of the service credit for the employee's three most recent annual performance ratings of record received during the four-year period prior to the date of issuance of specific RIF notices, or the four year period prior to cutoff dates established in performance appraisal plans (Chapter 430 of this Manual). The additional service is computed as follows:
 - (a) Twenty additional years of service for each performance rating of outstanding;
 - (b) Sixteen additional years for each performance rating of above target or exceeds successful; or,
 - (c) Twelve additional years for each performance rating of on target or fully successful.
- (2) To be creditable for RIF purposes, the ratings must have been issued to the employee, with all appropriate reviews and signatures and must be on record in the HRO. An employee who has received fewer than three previous annual performance ratings of record during the three-year period prior to the date of issuance of specific RIF notices will receive credit for performance on the basis of any actual rating(s) received. If an employee has received more than three performance ratings during the three year period, the three most recent ones will be used for RIF computations. Ratings of record are used, whether they were given by SSS or another agency, to the extent that the ratings are available. Employee copies of previous ratings from other agencies are acceptable if forms are complete.

11. RELEASE FROM COMPETITIVE LEVEL

When a competing employee's position is abolished, the employee is not automatically released from the competitive level. Prior to releasing the employee, all noncompeting employees are first released. The SSS may then elect to reassign employees within the competitive level, or reassign the affected employee to a vacant position within the same or different competitive level. If the release cannot be accommodated by an alternative means, RIF competition is initiated.

A. FIRST ROUND OF COMPETITION

The first round of competition occurs within the same competitive level, and means an employee has a right to positions held by employee with lower retention standings.

B. SECOND ROUND OF COMPETITION

If an employee whose position has been abolished has no opportunity for placement within the same competitive level, the second round of competition occurs to determine the employee's assignment rights.

C. ORDER OF RELEASE IN A COMPETITIVE LEVEL

(1) Competing employees are released in the inverse order of retention standing from the retention register. All employees in Group III will be selected for release before any in Group II or I; all in Group II before any in Group I; and with each Group, all in Subgroup B before any in Subgroup A or AD; all in Subgroup A before any in Subgroup AD; and, within any Subgroup, employees will be selected in the order of their service dates beginning with the employee who has the most recent service date.

(2) If employees are tied after consideration of service dates, the tie will be broken by using the employees' Social Security Numbers. Those employees whose Social Security Number ends in 0 will be released first and those with numbers ending in 9 will be released last. If there is a tie with the use of last numbers, the next to last numbers will be used.

D. EXCEPTIONS TO REGULAR ORDER OF RELEASE

A competing employee will not be released from a competitive level while an employee with lower retention standing is retained in the competitive level, with the following exceptions:

(1) **Mandatory Exceptions**

Certain Group I or II employees who have been reemployed after military service have retention protection requiring the SSS to make exceptions to the regular order of release. Each must be retained over other employees in the same Subgroup until the end of the retention period. If such an employee is reached for release from a competitive level, the SSS is obligated to find another position for the employee.

(2) **Discretionary Continuing Exceptions**

The SSS may make a continuing exception to the regular order of release to continue an employee in a position that no higher-standing employee can take within 90 days without undue interruption to the SSS. Written notice of this exception and the reason for it must be given to all higher standing employees who are reached for release on the same retention register.

(3) **Permissive Temporary Exceptions**

The SSS may make temporary exceptions to the order of release when needed to retain an employee after the effective date of a RIF. The Agency, after the effective date of a RIF, may not amend or cancel the RIF notice of an employee retained under a temporary exception to avoid completion of the RIF action.

- (a) Temporary exceptions not to exceed 90 days may be made to continue an activity without undue interruption; or to satisfy an obligation to the employee.
- (b) The SSS may make other temporary exceptions, to retain a lower standing employee, not to exceed 90 days, for the following purposes:
 - To retain on sick leave an employee who is on approved sick leave on the effective date of the RIF until the employee's sick leave is exhausted;
 - To retain on accrued annual leave an employee who will attain first eligibility for an immediate retirement benefit; or,

- To retain on accrued annual leave an employee who will establish eligibility to carry health benefits coverage into retirement.
 - (c) The exceptions for annual leave may not exceed the date the employee first becomes eligible for immediate retirement or for continuation of health benefits into retirement.
 - (d) Accrued annual leave includes all accumulated and accrued annual leave, restored annual leave and leave donated or made available to the employee, as of the date of the RIF. It also includes leave earned and available after the effective date of the RIF. The SSS may not advance annual leave, or consider leave credited after the effective date of the RIF unless earned while the employee is on annual leave.
 - (e) After the employee has been retained under a temporary exception, the Agency may not approve the employee's use of any other type of leave.
 - (f) When the SSS grants an exception for more than 30 days, it must notify in writing each higher standing employee in the same competitive level reached for release of the reasons for the exception and the date the exception will end and note the employee's name and reasons for exception on the retention register.
- (4) Liquidation Exception

If the SSS abolishes all positions in a competitive area within three months, it must release employees in subgroup order but may release them regardless of retention standing within a subgroup, except employees who must be retained under mandatory exceptions.

12. ASSIGNMENT RIGHTS

When a Group I or II competitive service employee with a current annual performance rating of record of minimally successful or higher is released from a competitive level, the Human Resources Office will determine if that employee has an assignment right to an available position. These rights are determined by application of bump and retreat procedures.

A. BUMP RIGHTS

Bumping is an employee's right of assignment to a position occupied by another employee in another competitive level in the same competitive area. An eligible employee is entitled to bump to an available position which requires no reduction, or the least possible reduction, in representative rate, if the position is:

- (1) Held by an employee in a lower tenure group or in a lower subgroup within the released employee's own tenure group (service does not count, see paragraph 10 for subgroup and tenure group order); and,
- (2) The same grade or no more than three grades or three grade-intervals (or equivalent) below the position from which the employee is released.

B. RETREAT RIGHTS

Retreating is an employee's right of assignment to a position, occupied by another employee in another competitive level, in the same competitive area. An eligible employee may retreat to an available position if the position is:

- (1) Held by an employee in the same subgroup with a later service date;
- (2) The same position or a position essentially identical to one previously held by the released employee in an Federal agency (see G. of this paragraph); and,
- (3) The same grade or no more than three grade intervals or equivalent below the position from which the employee was released. If the released employee is a preference eligible with a compensable service-connected disability of 30 percent or more, the position may be up to five grades (or intervals or equivalents) lower.
- (4) An employee with a minimally satisfactory rating may only retreat to positions held by employees with the same or lower rating.

C. MORE THAN ONE AVAILABLE POSITION

When more than one available position will satisfy the employee's assignment right, the employee is entitled to the available position with the highest representative rate. Among available positions with the same representative rate, the employee has no right to a choice.

D. LIMITS ON OFFER

- (1) An employee has no right of assignment to and may not be offered a position with a grade or a representative rate higher than his/her own.
- (2) An employee is entitled to only one proper offer and is entitled to no further offers when he/she:
 - (a) Accepts the offer;
 - (b) Rejects the offer; or,
 - (c) Does not reply to the offer within the time specified in the specific notice. The reply period must be reasonable for the circumstances and will normally be no less than 10 calendar days after receipt of the specific notice by the employee.
- (3) If a position with a higher representative rate (but not higher than the representative rate of the employee's current position), other than the one initially offered and for which the employee qualifies, becomes available on or before the effective date of the RIF, the SSS must offer the position with the higher representative rate.

E. ALTERNATIVE OFFER

When a released employee is entitled to assignment to an available position, the released employee must be offered assignment in preference to separation or furlough. However, the SSS may satisfy the employee's right to assignment by offering him/her the available position or any other position with a representative rate equal to that of the available position. The employee's right to assignment is not satisfied by an offer of a vacant position with a lower representative rate except when the employee willingly accepts the position with the lower representative rate, with full knowledge of his/her entitlement to the position with the higher representative rate.

F. QUALIFICATION FOR ASSIGNMENT

Qualifications of the employee are considered only in the second round of competition when an employee's rights of assignment are exercised. All qualification determinations will be made by HR in consultation with the appropriate Director's Forum member.

- (1) Except as provided in Paragraph 11.D., an employee is qualified for assignment if he/she:
 - (a) Meets the OPM standards and requirements for the position, including any minimum educational requirement, and any selective placement factors established by the Director's Forum member in accordance with Paragraph 7;
 - (b) Is physically qualified, with reasonable accommodation where appropriate, to perform the duties of the position;
 - (c) Meets any special qualifying condition which OPM has approved for the position; and,
 - (d) Clearly demonstrates on the basis of overall background, including recency of experience, a positive ability to successfully perform all the duties and responsibilities of the specific position upon entry into it, without undue interruption to that activity and without any loss of productivity beyond that normally expected in the orientation of any new but fully qualified employee.
- (2) The SSS may find an employee qualified for assignment to a vacant position without regard to OPM's standards and requirements for the position if:
 - (a) The employee meets any minimum education requirement for the position; and,
 - (b) The SSS determines that the employee has the capacity, adaptability, and special skills needed to perform satisfactorily the duties and responsibilities of the position. However, the SSS may not waive minimum education requirements prescribed by OPM or use this waiver to assign an employee to a position with a higher representative rate than that currently held.
- (3) If HR, in consultation with the Director's Forum member who would receive the employee, determines that a preference eligible employee who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of a position to which the employee would otherwise have been assigned under this Chapter, OPM must be notified of this determination.

G. ESSENTIALLY IDENTICAL POSITIONS

The SSS will determine essentially identical positions based on available information. This identification will be made by HR from information available in the employee's Official Personnel Folder and from SSS position description files for SSS positions. Employees potentially affected by a RIF will be asked to provide updated employment and any other information they wish considered before the implementation of any RIF procedures. The employee has responsibility for providing information on positions held in other agencies.

H. DECLINATION OF OFFER

Employees who refuse an offer which was made in accordance with the provisions of this Chapter, or who fail to reply to such an offer within the time specified in the specific notice, will be separated or furloughed by RIF action.

13. NOTICES TO EMPLOYEE

A. INFORMATIONAL NOTICES

The SSS may issue advance informational notices to alert employees of an impending RIF. These notices are for information only and do not satisfy the employee's right to a specific notice nor do they count toward the mandatory notice period.

B. SPECIFIC NOTICE

Each competing employee who will be reached for RIF action under this Chapter will be provided a specific written notice a minimum of 60 days before the effective date of the RIF action. The notice period begins the day after the employee receives the notice.

C. CONTENT OF SPECIFIC NOTICE

As a minimum, the specific notice will include:

- (1) What RIF action is being taken;
- (2) Reasons for the RIF;
- (3) The effective date of the action;

- (4) The employee's competitive area; competitive level; retention Tenure Group and Subgroups; service dates and performance ratings of record used to compute credit for performance;
- (5) The place where the employee may inspect the regulations, retention register, and records pertinent to his/her case;
- (6) The employee's right to be accompanied by a representative of his/her choice when reviewing retention registers or meeting with Agency officials, provided that the representation does not give rise to a conflict of interest, or to an unreasonable conflict with workload demands;
- (7) The reasons, if applicable, for retaining a lower-standing employee in his or her competitive level because of an exception noted in Paragraph 11.D.;
- (8) Explanation, if applicable, of a liquidation RIF;
- (9) A statement of the employee's right to appeal to the Merit System Protection Board (MSPB) and the time limits for filing an appeal; a copy of MSPB's regulations; a copy of the appropriate form; and the location of the MSPB office to which an appeal should be sent; and,
- (10) The employee's right(s), if any, to re-employment consideration under the provisions of 5 CFR 330.

D. STATUS DURING NOTICE PERIOD

When possible, the employee will remain in an active duty status during the notice period. However, the SSS may, because of lack of work or funds, for all or part of the notice period, place the employee:

- (1) On annual leave with or without his/her consent; or,
- (2) In a leave-without-pay (LWOP) status with his/her consent.
- (3) In a nonpaid status, e.g. imposed LWOP, without his/her consent. (However, under MSPB regulations, employees who believe that they have been placed in a nonpaid status in violation of controlling regulations may appeal such action.)

E. **EXPIRATION OF NOTICE**

A RIF expires when it is followed by the action it specifies or an action less severe than it specifies.

The SSS may not take the action before the effective date of the notice; the SSS may cancel the REF notice and issue a new notice.

F. **AMENDED NOTICES**

The SSS will give employees amended notices:

- (1) If the RIF is changed to a later date; or,
- (2) To offer the employee a position with a higher representative rate that becomes available before or on the effective date of the RIF.

14. SEVERANCE PAY

Employees separated by RIF may be eligible for severance pay in accordance with 5 CFR 770. Employees reached for separation will be informed of their eligibility or noneligibility for severance pay and reasons for the determination.

15. PLACEMENT ASSISTANCE FOR AFFECTED EMPLOYEES

When it is likely that RIF actions will result in employees being separated, the SSS will establish a placement assistance program tailored to the particular circumstances of employees affected, and available employment opportunities. These programs may include:

- A. Participation in the Interagency Placement Program (IPP). This is a program administered by OPM to give priority referral for placement in other agencies to employees who have received a RIF notice or who have been separated. Separated career employees are eligible for two years of placement assistance; separated career-conditional and probationary employees are eligible for one year of assistance; and,
- B. Establishment and maintenance of a Reemployment Priority List (RPL) as discussed in Appendix A.

16. FILLING VACANCIES

- A. The SSS is not required to fill vacancies in a RIF, but may choose to do so. When vacancies are filled with employees released from their competitive level, RIF procedures are applied.
- B. An employee's right of assignment may be satisfied by assignment to a vacant position in the same competitive area, having a representative rate equal to that which the employee would have received through assignment rights.
- C. When the SSS uses a vacancy as an offer by RIF assignment, the employee's rights is determined in the same way as assignment rights, with the following additional requirements:
 - (1) If one employee is released from a competitive level, and one vacancy exists within grade limits, the SSS offers this vacancy.
 - (2) If one employee is released from a competitive level and there are several vacancies within grade limits, the employee is entitled to the one with the highest representative rate. When more than one have the same rate, the Agency may offer any of these positions.
 - (3) If several employees are released from a competitive level, the SSS may offer any vacancy to any employee unless another employee's retreat right would be violated. RIF service computation dates will not be a consideration, unless the SSS decides to use them. This decision will be made at the beginning of the RIF.
- D. When an employee has no assignment rights or if the Agency offers a vacancy in lieu of RIF action, the grade level limits in RIF actions do not apply. These are voluntary offers, processed in accordance with Chapter 335 of this Manual.

17. RECORDS

Retention registers, copies of notices, offers of other positions, and all other records concerned with the RIF will be maintained in HR for at least one year from the date of the specific notice. Retention registers and related records will be available for inspection at the request of an employee or the employee's representative to the extent they have a bearing on a specific action taken, or to be taken, against that employee.

18. APPEALS

A. WHO MAY APPEAL

An employee who has been furloughed for more than 30 days, separated, or demoted by a RIF action may appeal to the MSPB, or file a grievance under negotiated grievance procedures, if applicable. The appeal or grievance may be based on the employee's belief that the SSS invoked RIF procedures for improper reasons or incorrectly applied RIF regulations or the provisions of this Chapter.

B. TIME LIMIT FOR APPEAL

Any petition for appeal must be filed with the MSPB during the 20-day period beginning with the day after the effective date of the action being appealed.

C. CONTENT OF APPEAL

The appellant is required to submit one original and one copy of his/her petition for appeal to the appropriate MSPB regional office. The following shall be included:

- (1) The name of the appellant and the Agency (SSS);
- (2) The action taken by the SSS and its effective date;
- (3) A request for hearing, if desired;
- (4) A statement of the reasons why the appellant believes the SSS action to be wrong;
- (5) A statement of the action the appellant would like the MSPB presiding official to order;
- (6) The name of the appellant's representative, if any;
- (7) Any relevant documents including the RIF notices(s);
- (8) A statement as to whether the appellant or anyone acting on his/her behalf has filed a grievance or complaint with any agency regarding this matter; and,
- (9) Signature of the appellant and representative, if any.

19. FURLOUGH

A furlough action is the placement of an employee in a temporary nonduty and nonpaid status on a continuous basis, e.g., 10 consecutive days, or a nonconnective basis, e.g., one day a week.

A. USE OF RIF PROCEDURES FOR FURLOUGH

RIF procedures must be followed to furlough an employee when:

- (1) The furlough will be for more than 30 consecutive days, (or more than 22 work days if on a nonconsecutive basis; and,
- (2) Is caused by one of the reasons in Paragraph 5.B. (2), and is not in accordance with pre-established conditions of employment.

B. TIME LIMIT

An employee may be furloughed for up to one year. The one-year limit begins the day after the notice periods ends and when the furlough begins.

C. FURLOUGH RETENTION AND ASSIGNMENT RIGHTS

- (1) An employee is reached for release by furlough from the competitive level in first round RIF competition as described in Paragraph 11. The SSS then determines any assignment rights as described in Paragraph 12.
- (2) If it is determined that a furloughed employee has assignment rights to another position, consideration must be given whether the offer to the employee would result in an undue interruption to the activity.
- (3) The assignment rights provisions under Paragraph 12 do not apply when all employees in the competitive area are furloughed at the same time or on the same basis.

D. RECALL FROM FURLOUGH

If a decision is made by the SSS to recall furloughed employees and all employees furloughed from a competitive level cannot be recalled at the same time, employees will be recalled in accordance to their retention standing beginning with the highest-standing employee.

E. NO RECALL

If the situation changes and the SSS determines that a furloughed employee cannot be recalled within a one-year period, the employee must be separated unless the employee accepted an offer of assignment to another position. If some but not all furloughed employees in the competitive level must be separated, employees are selected for separation by retention standing beginning with the lowest-standing employee.

20. **TRANSFER OF FUNCTION**

A. GENERAL

The transfer of function provisions relative to RIF deal with the right of employees to accompany their work when it is moved to a different competitive area or geographic location. When certain conditions are met, an employee has the right to move with his or her work if the alternative in the losing organization is separation or downgrading.

B. IDENTIFICATION OF POSITIONS WITH TRANSFERRING FUNCTION

After the SSS has determined that a function will be transferred, HR and the losing organization will identify positions and competing employees with the transferring function. This identification will be performed according to OPM procedures in 5 CFR 351.

C. SELECTION OF EMPLOYEES FOR TRANSFER

- (1) Employees in the losing competitive area have no right of transfer, regardless of personal preference, unless the alternative is separation or demotion in the losing area.
- (2) Employees refusing to transfer with their functions will be separated from the losing area by adverse action procedures under Chapter 752 of the Manual. RIF regulations are not used solely for employees declining to transfer. If the losing area is conducting a RIF for other reasons, the SSS may decide to include declining employees in the RIF.
- (3) The losing area may permit volunteers to transfer with the function in place of employees identified with the function. Volunteers are permitted only if no competing employee would be separated or demoted solely because of the volunteer transfer. If the number of volunteers exceeds the number needed, retention standing will be used to determine those selected.

D. USE OF RIF REGULATIONS

- (1) RIF regulations will be used by the competitive area gaining the function if the transfer results in more employees than needed at the gaining area or the gaining area reorganizes. If a RIF is conducted by the gaining area, competing employees transferred with the function are transferred before the RIF is conducted and compete in the RIF with competing employees in the gaining area.
- (2) The RIF will be conducted by the gaining activity, with transferring employees competing on the basis of positions held prior to transfer.
- (3) Transferring employees who are reached for separation have no assignment rights in the losing area and are placed on the RPL of the gaining area.

E. TRANSFER OF POSITIONS FOR LIQUIDATION

Employees whose positions are transferred solely for liquidation are not competing employees in the gaining area. They are separated by RIF in the gaining area and are placed on the RPL of the gaining area.

F. INFORMATION TO EMPLOYEES

- (1) The SSS will, as early as possible, inform employees of impending transfers of function, and include as much relevant information as possible to assist employees in making necessary decisions.
- (2) If appropriate, the SSS may use canvass letters to determine employees wishing to transfer or to identify volunteers. Responses to canvass letters are not binding and the employee may later change an initial acceptance.
- (3) If an employee initially agrees to transfer and later declines, the later declination will not extend the employee's duty status.
- (4) If an employee declines the offer, he/she is separated as discussed above in C. (2) of this Paragraph.

G. APPEAL OR GRIEVANCE RIGHTS

An employee has no right to appeal a transfer of function as such. However, he/she may raise the transfer as part of an appeal or grievance of subsequent RIF or adverse action which may have resulted from the transfer.

APPENDIX A

1. ESTABLISHMENT AND MAINTENANCE OF REEMPLOYMENT PRIORITY LISTS

A. ESTABLISHMENT OF LIST

The HRO will establish and maintain a Reemployment Priority List (RPL) for each commuting area in which the SSS separates Group I or II employees from competitive service positions under this Chapter, and will be responsible for ensuring proper consideration of all eligible SSS employees. The name of each eligible employee will be entered on the list for all competitive positions in the commuting area for which he/she qualifies and is available.

B. NOTICE

Employees will receive information about the RPL with the specific RIF notice. This information will include appeal rights.

C. EMPLOYEE ELIGIBILITY

(1) To be eligible for the RPL, an employee must:

- (a) Be serving under an appointment in the competitive service in Tenure Group I or II;
- (b) Have received a performance rating above unacceptable level as the current annual performance rating of record for RIF purposes (this rating requirement does not apply to an employee excluded from a performance appraisal system by law, regulation, or OPM action);
- (c) Have received a specific notice of separation from the Agency by RIF; and,
- (d) Have not declined an offer of assignment by bump or retreat (or offer of a vacancy) to a position having a representative rate at least as high as the representative rate of the position currently held.

(2) Full-time employees must be considered only for full-time positions; other-than full-time employees must be considered only for other-than-full-time positions. However, in instances where there are no

other employees from the same category who are qualified and available, the SSS may, at its discretion, consider full-time employees for other-than-full-time positions or vice-versa.

- (3) Only employees who are actually separated by RIF are eligible for the RPL. Thus, an employee who meets all the criteria in the preceding Paragraph loses RPL eligibility if he or she is:
 - (a) Assigned to a permanent competitive position at any grade in the same or different agency before the RIF separation takes effect (employees who are demoted by RIF action are not eligible for the RPL but may be eligible for priority consideration for their former grade level through other agency programs); or,
 - (b) Separated for some other reason (such as retirement, resignation, etc.) before the RIF separation takes effect. An employee who retires the day after separation by RIF, or later, does not lose RPL eligibility.
- (4) Retired member of a uniformed service who does not have veteran preference in RIF actions does not have veteran preference on the RPL.
- (5) An employee's current annual performance rating of record for RIF purposes (see Paragraph 9 of this Chapter) is also the rating used to determine an employee's RPL eligibility. If an employee's current rating of unacceptable is replaced by a higher rating for the same rating period, and all other eligibility criteria are met, the employee is to be considered an RPL eligible from the date the rating is changed.

D. PERIOD OF ELIGIBILITY

A Tenure Group I employee is eligible for the RPL for two years from the date of registration. A Tenure Group II employee is eligible for the RPL for one year from the date of registration.

E. LOSS OF ELIGIBILITY

Consideration is suspended for any individual who has not updated the RPL application and cannot be reached by the Agency. Submission of an updated application can reinstate consideration, but the period of eligibility is not extended beyond the original time set in c. above. Also, before the period of eligibility expires, an individual can lose RPL consideration for lower grade positions only or for all positions, as follows:

- (1) An individual loses RPL consideration for all positions with a representative rate at or below that of any position for which he or she has declined an offer under this paragraph of career, career-conditional, or excepted appointment without time limit. This same rule applies if the individual fails to reply to an inquiry about a position that meets the acceptable conditions shown in the individual's RPL application. Declination of a RPL offer at a lower grade does not take away the right to RPL consideration at lower grades. Similarly, declination of nonpermanent employment has no effect on RPL eligibility or continuation of RPL consideration.
- (2) Before the period of eligibility expires, an individual loses RPL consideration for all positions when he or she:
 - (a) Loses eligibility before RIF separation;
 - (b) Request removal from the RPL;
 - (c) Is employed by any agency under career, career-conditional, or excepted appointment without time limit;
 - (d) Declines an offer of a career, career-conditional, or excepted appointment without time limit to a position having a representative rate at least as high as that of the position from which the individual was or will be separated and with the same work schedule; or,
 - (e) Fails to reply to an inquiry made under this Appendix about a specific permanent position having a representative rate at least as high as that of the position from which the individual was or will be separated and with the same work schedule, or fails to reply to an Agency request for current information on how the individual may be reached.

F. APPLICATION AND REGISTRATION

Employees eligible for the RPL because of RIF action are required to complete an application within 30 calendar days after the RIF separation date. Instructions for making application will be provided with the RIF notice.

G. SELECTION FROM THE RPL

- (1) Retention standing order. For each vacancy to be filled, qualified individuals will be placed on the RPL in RIF group and subgroup order in accordance with PPPM Chapter 351. In making a selection, an

individual in Group I may not be passed over to select from Group II. Within a group, an individual in a higher subgroup may not be passed over to select from a lower subgroup. Within a subgroup, any greater priority for the grade or position from which separated than any other person on the list who is qualified for the vacancy.

- (2) Exceptions are made only when necessary to obtain an employee for duties that cannot be taken over without undue interruption to the Agency by an individual who is on the RPL or who has higher standing than the one the Agency wishes to appoint. This exception may not be based on a showing that the individual with priority is not as well qualified as someone else. The individual the Agency wishes to appoint must be qualified and able to take over the duties without undue interruption.
- (3) When an exception is made the Agency will notify, in writing, each individual on the RPL who is adversely affected by the exception. The notice must include the reasons for the exception and the right of the individual to appeal the exception to the Merit Systems Protection Board (MSPB).

H. APPEALS

Individuals may appeal to the MSPB if they believe their reemployment priority rights under this Appendix have been violated because of the employment of another person who otherwise could not have been appointed properly.

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 430

PERFORMANCE MANAGEMENT PLAN FOR GENERAL SCHEDULE AND PREVAILING RATE EMPLOYEES

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 430

PERFORMANCE MANAGEMENT PLAN FOR GENERAL SCHEDULE AND PREVAILING RATE EMPLOYEES

I. INTRODUCTION

This plan implements the provisions of 5 U.S.C. 4301, 4302, 4303-4305 and 5 CFR PART 430, SUBPART B. Any substantive changes and amendments must be approved by the Office of Personnel Management before implementation. No provision is made for exceptions to this requirement.

A. PURPOSE AND BENEFITS OF PERFORMANCE APPRAISAL

1. Performance appraisal provides management and employees with information about employees' past performance in order to plan, develop, and assign work and make various personnel decisions. This performance appraisal system fulfills legal requirements by providing for periodic appraisals of job performance, encouraging employee participation in establishing performance standards and using performance appraisal as a basis for training, rewarding, reassigning, promoting, reducing in grade, retaining and removing employees.
2. The process of defining duties and performance elements, developing standards of performance, counseling employees regarding performance, and appraising performance helps motivate employees and supervisors to reach specific, common objectives related to the mission and goals of the Selective Service System.
3. Performance appraisals help supervisors to plan and organize their operations. As supervisors become aware of employee needs and skills, they are better able to assign the right person to the right job. More effective utilization of personnel, in turn, leaves the supervisor more time for program management functions.
4. Performance appraisals also provide feedback to employees for evaluating their strengths and weaknesses and realizing their potential. Employees have the right to know what their supervisor expects of them, how well they are doing, what they must do to meet the supervisor's performance standards, and when they meet the standards. Accurate performance appraisal contributes to employee development by identifying what employees do well so that their talents and strengths can be more effectively utilized and their weaknesses overcome.

5. Performance appraisals help to establish better working relationships between supervisors and employees. Subordinates who sense their supervisor's concern for their development will often be more cooperative. As employees develop confidence in their supervisor-employee relationship, morale and efficiency should increase.
6. Performance appraisals serve as a basis for improving performance by identifying areas where superior performance should be recognized and rewarded to motivate employees, and areas where remedial or developmental training is necessary.

II. **COVERAGE AND EXCEPTIONS**

- A. **COVERAGE** All civilian Selective Service System employees are covered by this plan except those listed below.
- B. **EXCEPTIONS**
 1. Individuals appointed by the President.
 2. Individuals in the excepted service in positions for which employment is not expected to exceed 120 days in a 12-month period.
 3. Uncompensated employees.
 4. Members of the Senior Executive Service.
 5. Employees covered by the SSS Performance Management and Recognition System (GM-13 through GM-15).

III. **DEFINITIONS**

- A. **APPRAISAL** The act or process of reviewing and evaluating the performance of an employee against the described performance standards.
- B. **APPRAISAL PERIOD** The period of time established by an appraisal system for which an employee's performance will be reviewed in order to appraise that performance. The annual appraisal period is July 1 through June 30 of each year.
- C. **CRITICAL ELEMENT** A component of a position consisting of one or more duties and responsibilities which contributes towards accomplishing organizational goals and objectives and which is of such importance that unacceptable performance on the element would result in unacceptable performance in the position.
- D. **NON-CRITICAL ELEMENT** A component of a position which does not meet the definition of critical element but is of sufficient importance to warrant written appraisal.

- E. **PERFORMANCE** An employee's accomplishment of assigned work as specified in the critical and non-critical elements of the employee's position.
- F. **PERFORMANCE APPRAISAL SYSTEM** A system which provides for identification of critical and non-critical elements, establishment of performance standards, communication of elements and standards to employees, establishment of methods and procedures to appraise performance against established standards, and appropriate use of appraisal information in making personnel decisions.
- G. **PERFORMANCE AWARD** A performance-based cash payment to an employee based on the employee's rating of record. A performance award does not increase base pay.
- H. **PERFORMANCE ELEMENT** A component of a position, the performance of which contributes meaningfully to success or failure in a position. Performance elements are designated as critical or non-critical.
- I. **PERFORMANCE PLAN** Is a written list of all an employee's critical and non-critical elements and performance standards.
- J. **PERFORMANCE STANDARDS** A statement of the expectations or requirements established by management for a critical or non-critical element.
- K. **PROGRESS REVIEW** A review of the employee's progress toward achieving the performance standards and is not in itself a rating.
- L. **UNACCEPTABLE PERFORMANCE** Performance which fails to meet established performance standards in one or more critical elements of a position.
- M. **RATING OF RECORD** The summary rating required at the time specified in the Performance Plan or at such other times as the plan specifies for special circumstances.
- N. **SUMMARY RATING** The written record of the appraisal of each critical and non critical element and the assignment of a summary rating level.

IV. **COMMUNICATING WITH EMPLOYEES**

- A. An effective performance appraisal program requires that employees be kept fully informed of their duties and responsibilities and of the performance standards established for their positions. This chapter provides for establishing performance standards which will permit the accurate evaluation of performance based on objective criteria related to the position.
- B. Supervisors should encourage employee participation in establishing the standards for their positions for each appraisal period. In all cases, supervisors must inform employees of the critical elements and

performance standards for their positions at the beginning of the appraisal period. Only official supervisors of record may set performance standards; this function may not be delegated.

- C. Performance standards shall be in writing. One copy goes to the employee, one is retained by the supervisor and one is forwarded to the Personnel Office for the employee's Employee Performance Folder (EPF). All copies should be signed by the employee and the supervisor to document that performance standards have been communicated.
- D. The supervisor shall discuss each performance requirement with the employee so that both understand the expected level of performance to meet each requirement.
- E. Formal performance appraisals shall be in writing and, as a minimum, shall be discussed with employees at the time of the progress review and at the end of the annual appraisal period.

V. SCHEDULE FOR SETTING PERFORMANCE STANDARDS

A. REVIEW OF EXISTING PERFORMANCE STANDARDS

Generally, for employees already on the rolls, already existing performance standards will be reviewed for accuracy by the supervisor and employee at the time the annual performance appraisal is discussed (June 30). This is the beginning of the next performance appraisal cycle.

B. NEW EMPLOYEES AND EMPLOYEES ENTERING NEW POSITIONS

Supervisors must establish performance standards and discuss them with the employee within 30 days of the employee's entry into the position.

C. SUPERVISORS ENTERING POSITIONS

Supervisors entering positions new to them are required to review existing performance standards within 60 days and discuss them with employees. If no performance standards exist, they must be established within 60 days and discussed with employees.

D. DETAILED AND TEMPORARILY PROMOTED EMPLOYEES

If a detail or temporary promotion is expected to last 120 days or more, the supervisor of the position to which the employee is detailed or promoted is required to discuss the performance standards for the position with the detailed or promoted employee. If no performance standards exist they must be established at the beginning of the detail or temporary position.

VI. PERFORMANCE ELEMENTS AND STANDARDS

A. GENERAL

- 1. Performance elements identified for an employee's position, specification of critical elements, and performance standards shall

be communicated to the employee in writing at the beginning of the appraisal period. (Note: This includes communicating performance elements and standards at the beginning of a detail, temporary promotion, or other temporary assignment for 120 days or more.)

2. Various factors, such as changes in programs or priorities, new legislation, personnel freezes, and changes in appropriation levels may require additions, deletions, or changes in performance elements, critical elements, and/or standards during an appraisal period. All such changes shall be communicated to the employee in writing as soon as they occur.
3. All performance elements and standards shall be consistent with the duties and responsibilities contained in accurately described and properly classified position descriptions. Position-classification standards may be used as an aid in determining appropriate standards for various occupations and grade levels.

B. PARTICIPATION BY EMPLOYEES

Supervisors shall actively seek and encourage employee participation in identifying performance elements and establishing standards. This may be done by meeting with individual employees or, where there are a number of identical or similar positions, with a group of employees. The final decision on performance standards, however, is a management responsibility.

C. IDENTIFICATION OF PERFORMANCE ELEMENTS

1. There are two kinds of performance elements - organizational and individual:
 - a. Organizational elements primarily apply to supervisors. They control the operation and accomplishments of an organization under the employee's control, and the assignments associated with organizational elements which may be accomplished by other employees.
 - b. Individual performance elements apply to both supervisory and non-supervisory employees. They are aspects of a position which the employee accomplishes personally.
2. A performance element should be expressed in its simplest form, e.g., formulates policy; develops a new appraisal system; types letters; supervises employees. The outcome associated with a performance element may be the product (policy, new appraisal system, letters) or the process itself (supervises employees).
3. Organizational performance elements are determined by the organization's mission, program objectives and priorities, legislative mandates, national policy, etc. They stem from the various planning documents (i.e., budget, functional statements, training plans, Affirmative Action Plan which cover the organization under the employee's control.)

4. Most of the individual performance elements for supervisory positions involve the process of supervising. The characteristics of managerial/supervisory positions are portrayed in the Supervisory Grade-Evaluation Guide and Qualifications Standard issued by OPM. The individual performance elements for nonsupervisory employees depend to a large extent on the nature of the position and the functions of the particular organization. The outcome may be processes or products, and those products, in turn, may range from concrete to abstract. For example, some positions have regular and recurring duties with specific, concrete products (legal cases, manpower needs analyses) which can be described in advance of the appraisal. Other positions require incumbents to react or respond to unforeseen or unplanned circumstances where the content and nature of the response may vary according to the situation. In other words, a specific product cannot be anticipated (e.g., technical assistance to policy-makers or users of data processing services).

D. DESIGNATION OF CRITICAL AND NON-CRITICAL ELEMENTS

The supervisor should review the identified performance elements and determine which elements are so important that performance below the Minimally Satisfactory level of one or more such elements would result in unacceptable performance in the position as a whole. Elements so identified are "critical elements." Failure to perform at the Fully Successful level of a critical element requires remedial action and denial of a within-grade increase and may form the basis for removing or reducing the grade level of the employee. Performing better on a critical element, however, does not necessarily mean performing better in the position as whole. Elements which do not meet the above criteria for critical elements shall be designated as non-critical elements. Use of non-critical elements is optional.

E. ESTABLISHMENT OF PERFORMANCE STANDARDS

1. Standards of performance are prepared by the supervisor with employee participation, and address the three following levels of expectations:
2. The Minimally Satisfactory level of performance that the supervisor expects from the employee(s) for each performance element must be identified. Performance which does not exceed this level should be reviewed to determine whether action such as remedial training is appropriate. Furthermore, failure to meet this standard on a critical element may lead to reduction in grade or removal of an employee.
3. The Fully Successful level of performance must be identified for all elements. A standard at this level is necessary as a basis for determining the acceptable level of competence for within-grade step increase purposes.

4. The Exceeds Successful level of performance must also be identified. Performance above this level should be considered as outstanding.
5. Performance standards for all performance elements (critical and non-critical alike) should be clearly written in terms of job-related behaviors which can be measured by objective standards. General traits of behavior and personal characteristics (such as "judgment", etc.) and undefined levels of skill or knowledge (such as "writing ability", "oral expression", etc.) do not provide an adequate basis for making an objective appraisal of the employee's performance. Performance standards should include measures of quantity, quality, and timeliness to the extent possible and should take into account the appropriate kind and level of position in which the employee serves.
6. Supervisors should try to ensure that the performance elements and standards they set for their employees are consistent with those set for employees in similar positions in other organizations. For positions which are nearly identical, it may be possible to set common standards which apply to several organizations. Consistency is best achieved by supervisors conferring with one another during the process of setting performance elements and standards. By achieving some degree of consistency, confidence in the fairness and objectivity of the appraisal system will increase.
7. Performance standards must be formally communicated to the employee in writing at the beginning of the appraisal period. Both the employee and supervisor must sign the performance standards, each retaining a copy. This documents the fact that the standards have been communicated to the employee but does not necessarily indicate the employee's agreement with the standards. Even though an employee may disagree with the standards set by the supervisor, he/she is still obligated to follow them.
8. Performance standards must be reviewed and approved by an official at a higher level in the organization than that of the appraising official. Persons directly supervised by the Associate Director for Information Management, Region Directors and persons directly supervised by the Director, Deputy Director or Chief of Staff are excepted from this rule.

VII. APPRAISAL OF EMPLOYEE PERFORMANCE

A. APPRAISING AND REVIEWING OFFICIALS

1. Written appraisals are normally prepared by the employee's immediate supervisor. For employees on detail or temporary promotion, the supervisor of the position to which the employee is detailed or temporarily promoted appraises the employee's performance for the period of time actually spent on detail or in the

position to which temporarily promoted. All managers shall insure that employees know who is responsible for appraising their performance under their supervision.

2. Employees completing a detail or a period of temporary promotion for more than 120 days must have their performance appraised by the supervisor of the position to which detailed or temporarily promoted within 30 days. This summary rating is furnished to their regular supervisor for consideration at the time of the next regular annual appraisal. A copy of this summary rating is also filed in the Employee Performance File.
3. When employees are detailed outside of the agency, reasonable effort must be made to obtain appraisal information from the outside organization. This information shall be considered in deriving the employee's next rating of record.
4. The next higher level of supervision is normally the reviewing official for appraisals unless the Director or Deputy Director makes an exception in writing.

B. FORMAL AND INFORMAL APPRAISALS

1. Formal, written appraisals should be prepared according to the schedule described in Section VIII.
2. Performance on each performance element shall be appraised against the standards previously established for that element as either (1) Unacceptable, (2) Minimally Satisfactory, (3) Fully Successful, (4) Exceeds Successful or (5) Outstanding. Although there are five levels of performance, standards must be set for only the three levels defined in paragraph VI.E. When an employee's performance of a specific performance element fails to meet the Minimally Satisfactory standard in all respects the appropriate appraisal category for that element is Unacceptable.
3. At the conclusion of the appraisal period, the Rating Official will review the performance elements, appraisal form and the progress review, identify a level of achievement for each element, and assign a rating for each critical and non-critical element. The Rating Official will then prepare a narrative summary of overall performance, providing a brief rationale and justification for the overall performance rating. The rating of performance elements will be based on the evaluation of the performance for each element in accordance with the guidelines prescribed in Section IX. below.
4. The Rating Official will assign the recommended overall rating, and sign and date the form. The recommended overall rating will be reviewed and signed by the Reviewing Official and the official with responsibility for managing the performance awards budget prior to the formal appraisal meeting with the employee by the supervisor. However, no forced distribution of rating levels may be made. A formal discussion will then be held with the employee concerning the appraisal and the recommended rating after which the employee will

sign the form, acknowledging the discussion and receipt of a copy of the recommended rating. The employee's signature in no way implies agreement or disagreement with the content of the appraisal and rating. If the employee wishes to respond in writing, he or she should do so on the form. Such response should be submitted to the Reviewing Official within 5 working days of receipt of the recommended rating, with a copy to the Rating Official.

5. Counseling employees concerning performance is an integral part of the appraisal process. Its importance cannot be over emphasized. Supervisors must counsel employees periodically throughout the year as well as at the time the formal, written appraisal is completed. Counseling should cover not only the supervisor's appraisal of the employee's work performance, but also the employee's attitudes, concerns, suggestions, and career goals. The interview is the supervisor's opportunity to help employees recognize areas of improvement, to plan their future development, and to enlist their help in achieving organizational goals.
6. By law and regulation, supervisors must communicate performance elements and standards to employees at the beginning of the appraisal period, provide annual appraisals to their employees in writing and conduct at least one progress review during the appraisal period. Sound management practice dictates that more than this legal minimum be done: employees be kept informed of performance requirements and informally appraised on job performance on an on-going basis; and that deserving employees be recognized at the time of achievement as well as at the time of periodic, formal performance appraisal. Regular performance appraisal may be informal and may consist of a comment, a short conversation, or a critical but constructive remark. The important factor to remember is that the appraisal process requires continual attention if it is to succeed. At an absolute minimum, supervisors are required to review, with employees, performance requirements and actual performance at least once during the appraisal period. This review may best be scheduled at the mid-point of the normal one-year appraisal period.
7. Employees may be evaluated on both organizational and individual performance elements. As stated earlier, however, they can be held accountable only for performance outcomes which are under their control. This is especially true for organizational performance elements which generally apply to supervisory employees. Employees may carry out assignments in a successful or outstanding manner, even though the work does not ultimately accomplish agency objectives, if the accomplishment of those objectives is substantially outside the employee's control.
8. The performance appraisal and resulting rating of a disabled veteran may not be lowered because the veteran has been absent from work to seek medical treatment as provided in Executive Order 5396.

VIII. FREQUENCY OF PERFORMANCE APPRAISALS

Generally, supervisors will formally appraise employees as of June 30 of each year against the performance standards previously established for their positions. The minimum appraisal period is 90 days. Exceptions to this requirement are listed below.

- A. If the employee is a new hire and is career or career conditional and the period of supervision as of June 30 is less than 90 days, then the rating period shall be extended to 90 days.
- B. If the employee is reassigned at the same grade level and remains in the same line of work and the period of supervision is less than 90 days, the employee shall be rated by the previous supervisor or the rating period may be extended to 90 days under the new supervisor.
- C. If the employee's supervisor leaves his/her position for any reason and the period of supervision is at least 90 days since the last appraisal, then an appraisal will be completed if possible.
- D. If the employee's performance has decreased significantly since the last appraisal and the period of supervision is over 90 days, the supervisor shall describe the change(s) on the appraisal form at that time.
- E. If an employee is in a position on June 30 and the period of supervision is less than 90 days under the current supervisor or less than 90 days in the current position, then the annual performance appraisal shall be completed with consideration of previous rating(s).
- F. If an employee is in a position on June 30 and is a probationary employee with less than 10 months service, do not complete Probationary Period Appraisal.

IX. ASSIGNING A SUMMARY RATING

- A. **OUTSTANDING** At least all critical and the majority of other performance elements are rated as Outstanding, with no element rated less than Exceeds Successful.
- B. **EXCEEDS SUCCESSFUL** At least all critical elements and the majority of other performance elements are rated as Exceeds Successful, with no element rated less than Fully Successful.
- C. **FULLY SUCCESSFUL** At least all critical elements are rated as Fully Successful with the majority of other elements rated at least Minimally Satisfactory.
- D. **MINIMALLY SATISFACTORY** Performance on a critical element is rated less than Fully Successful, but no critical element is rated Unacceptable.
- E. **UNACCEPTABLE** One or more critical elements are rated Unacceptable.

X. DISAGREEMENT WITH PERFORMANCE APPRAISALS

Employees are encouraged to seek informal resolution of disagreements concerning plans and appraisals. As specified in Part VI, performance plans must ordinarily be approved by a second official in the employee's organization. In all cases, performance appraisals will be reviewed by an official higher than the appraising supervisor to insure consistency and fairness. Supervisors have the authority to assign duties to employees and to set standards for their performance. Performance elements and standards therefore are not subject to formal appeal or grievance procedures. Performance rating of record may be grieved through the Selective Service System Grievance System.

XI. USE OF PERFORMANCE APPRAISAL AS A BASIS FOR OTHER PERSONNEL ACTIONS

A. AWARDS

1. The purpose of performance awards is to motivate employees by recognizing and rewarding those who attain high levels of performance. An award under this chapter shall be based on the employee's rating of record for the current appraisal period for which performance awards are being paid.
2. Performance ratings of record must be used as the basis for granting quality step increases. Quality step increases may be granted to employees covered by this chapter whose current rating of record is "Outstanding". Quality step increases recognize a continuing, characteristically high-level of effectiveness. If an employee is appraised as "Exceeds Successful" or better on many performance elements, or "Exceeds Successful" on a current overall rating, the supervisor should carefully review the employee's performance to determine whether a one time cash award is appropriate under the provisions of PPPM Chapter 451. If so, the appraisal may become the justification once the supervisor identifies the relationship between the performance elements and the most important functions of the position.
3. Performance award determinations are to be initiated by the appraising supervisor, then forwarded to the appropriate reviewing official for concurrence prior to submission to the Recognition and Awards Committee for approval. The Recognition and Awards Chairperson shall be responsible for managing the SSS performance awards budget for employees covered by this Chapter.
4. Performance awards shall be documented in the employee's personnel folder to reflect the nature and amount of the award, and shall be given due weight when rating and ranking an employee for a promotion.

B. GENERAL SCHEDULE AND FEDERAL WAGE SYSTEM WITHIN-GRADE INCREASES

1. Employees covered by this chapter will receive within-grade increases when eligible if their performance is at an acceptable level of competence. This equates to performance on the most recent rating of record which meets or exceeds the Fully Successful level. Also the employee must have completed the required waiting period for advancement to the next higher step of the grade of his or her position, and not have received an equivalent increase during the waiting period. Employees will be informed of within-grade increases granted by the Notification of Personnel Action, SF-50.
2. An acceptable level of competence determination shall be based on a current rating of record. When a decision is made to withhold a within-grade increase which is inconsistent with the employee's most recent rating of record, a more current rating of record must be prepared.
3. An acceptable level of competence determination must be delayed when an employee was not informed of the specific requirements for performance at an acceptable level of competence at least 90 days before the end of the waiting period, and the employee was not given a performance rating in any position within 90 days before the end of that period.
4. When an acceptable level of competence has been delayed under these circumstances:
 - a. The employee shall be informed in writing that his or her determination is postponed and that the rating period has been extended to a date 90 days after the employee was first told of the specific requirements for performance at an acceptable level of competence.
 - b. An acceptable level of competence determination shall be made upon completion of the 90 days appraisal period based on the employee's rating of record at that time.
 - c. If the employee's performance is determined to be at the acceptable level of competence, the within-grade increase will be granted retroactively.
5. An acceptable level of competence determination shall be waived and a within-grade increase granted when an employee has not served in any position for 90 days under the performance appraisal system during the final 52 calendar weeks of the waiting period for one or more of the following reasons:
 - a. Because of absences that are creditable service in the computation of a waiting period or periods under 5 CFR 531.406;
 - b. Because of paid leave;

- c. Because the employee received service credit under the back pay provision of 5 CFR, Part 550, Subpart H;
 - d. Because of details to another agency or employer for which no rating has been prepared; or
 - e. Because of long-term training.
- 6. In such a situation, there shall be a presumption that the employee would have performed at an acceptable level of competence had the employee performed the duties of his or her position of record for the minimum appraisal period.
 - 7. When it is determined that an employee's performance is not at an acceptable level of competence, the negative determination shall be communicated to the employee in writing, by the supervisor, and shall set forth the reasons for the negative determination, the areas in which the employee must improve his or her performance in order to be granted a within-grade increase, and of his or her right to request that the determination be reconsidered. Requests for reconsideration must be submitted not more than 15 days after receipt of a notice of determination and shall be processed in accordance with 5 CFR 531.410.
 - 8. When a within-grade increase has been withheld, management will make a new acceptable level of competence determination every 90 to 180 days until it has been found that the employee's performance is competent enough to deserve the pay increase.

C. CAREER PROMOTIONS

Performance appraisals must be used as a basis for determining whether employees have demonstrated the ability to perform at the next higher level of a career ladder by achieving an annual performance rating of at least Fully Successful. In addition, no employee may receive a career ladder promotion who has a rating below Fully Successful on a critical element that is also critical to performance at the next higher grade of the career ladder.

D. TRAINING

- 1. Performance appraisals must be used as a basis for determining the training needs of employees.
- 2. Employees may receive training for two purposes, for overcoming perceived deficiencies and for their development. The performance appraisal should clearly identify areas where remedial and/or developmental training may be necessary for an employee to meet or exceed a specified performance standard. Supervisors should make every effort to determine whether the appropriate training will assist an employee's performance.
- 3. Developmental training is provided for employees to expand the scope or depth of their abilities or to enable them to assume

additional duties and responsibilities. Within available resources, the interests and desires of each employee may influence the type and amount of developmental training, along with evidence that the employee is fully meeting or exceeding present performance standards.

E. **REDUCTION IN FORCE**

An employee's last three annual performance ratings of record for the three year period prior to the date of issuance of the specific RIF notice and any such additional rating provided in 5 CFR 351 shall be used in establishing relative standing on a retention register. No rating of record will be assigned for the sole purpose of affecting an employee's retention standing. An employee who does not have a performance rating of record for any year of the three year period shall be given credit for performance based on assumed ratings of Fully Successful. An employee who has received at least one but fewer than three previous annual ratings shall receive credit for performance based on the actual rating(s) received and one, or two assumed rating(s) of Fully Successful, whichever is needed to credit the employee with three ratings. An employee's annual summary rating of record rendered within 90 days of the issue date of the specific RIF notice shall not be put on record as one of the last three ratings of record in determining an employee's additional service credit. However, ratings of record rendered during this 90 days will be used for pay purposes.

F. **REASSIGNMENT, REDUCTION IN GRADE, AND REMOVAL BASED ON UNACCEPTABLE PERFORMANCE**

To build a quality workforce and encourage employees to strive for high-level performance, supervisors must take appropriate action whenever an employee's performance is below a Fully Successful level. A full range of actions are available to management in dealing with performance deficiencies. These actions range from counseling to removal from employment with the Selective Service System and must be taken in accordance with the provisions of PPPM Chapter 752, Discipline and Adverse Action.

1. Supervisors should counsel employees at any time when less than Fully Successful performance is noticed. It should not be delayed until the end of the appraisal period when it may be too late to take appropriate action. The counseling session should let the employee know in specific terms how his/her performance is deficient and outline a course of action that will enable the employee to improve his/her performance in the deficient areas.
2. When in the supervisor's judgment the employee will be unable to improve his/her performance in the position currently occupied, reassignment to another position at the same grade level may be appropriate. Reassignment may provide the employee with a change in work environment sufficient to improve his/her level of performance. When an employee is reassigned because of less than satisfactory performance in a position, the supervisor should make clear to the employee why this action is being taken. A

clear to the employee why this action is being taken. A performance appraisal and summary rating for the position being vacated must be completed and it should include a comment that reassignment action is being taken because of the employee's performance. The supervisor in the new position should, of course, prepare a performance plan and inform the employee of the critical and noncritical elements and performance standards for the new position.

3. When an employee's performance continues to be unacceptable after attempts to improve his/her performance or placement of him or her in another position fail, there is no justification for retaining the employee. Performance which fails to meet established standards (at the Minimally Satisfactory level) in one or more critical elements is considered unacceptable. Reduction in grade and removal from employment with the Selective Service System based on unacceptable performance are authorized by 5 USC 4303 and 5 CFR Part 432.
 - a. Reduction in grade and removal are the most severe actions that can be taken for unacceptable performance and must be taken only after the employee has had an opportunity to demonstrate acceptable performance. An employee may be reduced in grade or removed at any time during the appraisal cycle that the employee's performance is unacceptable. The supervisor must identify for the employee the critical elements(s) for which performance is unacceptable and then give the employee a reasonable time to demonstrate acceptable performance before proposing a reduction in grade or removal action. A "reasonable time" is a matter of judgment and should be commensurate with the duties and responsibilities of the employee's job. The supervisor should also assist the employee in improving his or her performance.
 - b. The supervisor shall provide the employee with a 30-day advance written notice of the proposed action. The notice must identify specific instances of unacceptable performance on which the proposed action is based and the critical elements involved in each instance of unacceptable performance. The employee is entitled to be represented by an attorney or other representative and must be given a reasonable time to answer orally and in writing. The supervisor must consult with the Personnel Office before issuing the notice and provide a copy of the notice for the employee's EPF. With concurrence by the next higher level of supervision, the notice period may be extended for no more than 30 additional days. Further extensions must be approved by the Office of Personnel Management.
 - c. Within 30 days after the date of expiration of the notice period, a written decision must be issued to the employee. The decision must specify the instances of unacceptable performance by the employee on which the reduction in grade or removal is based and must be concurred in by an employee

action. The instances of unacceptable performance upon which the action is based must have occurred during the one-year period ending on the date of the notice.

- d. If the employee is not reduced in grade or removed because of performance improvement during the notice period and the employee's performance continues to be acceptable for one year from the date of the advance written notice, any entry or other notation of the unacceptable performance for which the action was proposed shall be removed from the record.
- e. An employee who is a preference eligible or is in the competitive service who has been reduced in grade or removed for unacceptable performance is entitled to appeal to the Merit Systems Protection Board. Other employees may grieve through the Selective Service System Grievance System.

G. **RELATION OF PERFORMANCE APPRAISAL TO OTHER APPRAISAL SYSTEMS**

1. **Merit Promotion**

- a. A significant difference exists between an appraisal of performance in the current position and an appraisal for promotion. Performance appraisal evaluates the performance of duties and assesses the quality of work in the employee's present position, whereas the promotion appraisal is based on factors which are important for predicting success in a different position.
- b. By law, performance appraisals must be considered in promoting employees. For competitive promotions, the appraisal of current performance will be used as a basis for documenting the extent to which the employee possesses the knowledge, skills, abilities, and other characteristics required for the job to be filled.

2. **Probationary Periods**

- a. There are three types of probationary periods in the Federal service. First is the probationary period for employees new to the competitive service. Second is a probationary period for new supervisors or managers. Third is the probationary period for newly appointed members of the Senior Executive Service which is discussed in detail in the Selective Service System Senior Executive Service Performance Appraisal Plan.
- b. The probationary period for new employees is a period in which employees are tested on the job for successful performance. It is a period of continuing appraisal which begins with the initial placement follow-up and lasts until the end of the probationary period (one year after placement) or the employee's earlier termination. A supervisor who finds that a probationary employee's performance does not meet the

probationary employee's performance does not meet the successful standard for many performance elements, even after attempts to assist the employee to improve, should seriously consider whether or not to retain the probationer.

- c. The probationary period for new supervisors and managers is a period in which employees are tested on the job for successful application of supervisory and/or managerial skills and abilities. Many of these skills and abilities are common to all supervisory and/or managerial positions, which means that common performance elements are appropriate in many cases.

XII. SYSTEM EVALUATION AND TRAINING

The Associate Director for Resources Management at least annually shall evaluate and report to the Director on the effectiveness of this appraisal program so that refinements, alterations or improvements may be made in the program. The Personnel Office will provide periodic training for supervisors and employees on the performance system to assure effective administration.

XIII. RECORDS

A. COUNSELING OR REMEDIAL ACTION

Supervisors shall document and maintain a record of the date and subject covered in any counseling or performance review session. This document should cover all suggestions, recommendations, areas where remedial action or training is necessary, and where and when such action or training occurred. This information is used to document a proposal to reassign, remove or demote an employee based on unacceptable performance.

B. EMPLOYEE PERFORMANCE FOLDER

The Personnel Office shall maintain an Employee Performance Folder (EPF) for each employee covered by the Performance Appraisal System. This will provide a performance records system which can be used as a basis for taking personnel actions which are based on performance. All official performance related documents are kept in the EPF, including: Performance Plans, Performance Appraisals, commendations, awards, recommendations for pay increases, etc. This information is available to agency officials with a need for such information, but it will otherwise be safeguarded and released only for those purposes listed in OPM's Privacy Act notice for this System. Any additional copies of performance related documents kept by the supervisor must be used only as memory aids and must not be disclosed to any other individual. Upon separation of an employee, performance ratings of record which are three years old or less, including the performance plan on which the most recent rating was based shall be included in the employee's official personnel folder prior to transfer to another agency or records center. Any summary rating prepared when the employee changes positions shall also be included in the official personnel folder.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2425

Change Notice

MANUAL: Personnel Policies and
Procedures Manual (PPPM)

RESPONSIBLE OFFICE: SPT

DATE: November 7, 2005

NUMBER: PPPM, Change 47

1. This Change Notice transmits modifications to the Personnel Policies and Procedures Manual (PPPM), Chapter 511, Classification of General Schedule Positions.

2. Page changes should be made as follows:

REMOVE

INSERT

Chapter 511, dated July 1983

Chapter 511, dated October 2005

3. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.


S.E. Benson
Deputy Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 511

CLASSIFICATION OF GENERAL SCHEDULE POSITIONS

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 511

CLASSIFICATION OF GENERAL SCHEDULE POSITIONS

1. COVERAGE

- A. All General Schedule (GS) positions in the Selective Service System (SSS) are by law subject to the requirements for position classification under the General Schedule as set forth in Part 511, Subpart B of the Civil Service Regulations (5 CFR Sections 511.201 – 511.203).
- B. Wage Grade (prevailing rate) positions in trades, crafts and labor occupations are excluded from coverage by Chapter 51 of Title 5, U.S. Code.

2. GENERAL REQUIREMENTS

Classification of General Schedule positions is based on the principle of equal pay for work of substantially equal difficulty or responsibility. Each position shall be reviewed through an objective job analysis by a Human Resources (HR) Specialist and placed in its appropriate series and grade in conformance with or consistent with position classification standards.

3. POSITION CLASSIFICATION AUTHORITY

- A. Position classification authority for GS and Senior Executive Service (SES) positions requiring classification as to proper title, series, and grade or pay level is delegated from the Director to the Associate Director for Support Services (SPT). The Associate Director for Support Services will make the final decision on all position classification appeals and Advisory Allocation Requests.
- B. Under current organizational structure and scope of Agency operations, position classification authority for all National Headquarters, Data Management Center and Region positions is further delegated from the Associate Director for Support Services to the Human Resources Officer, Manager of the Human Resources (HR) Division.

4. RATIONALE FOR POSITION DESCRIPTIONS

A position must be described, evaluated and classified so that the rate of pay and qualifications necessary to perform the work may be determined before an employee is appointed, promoted, reassigned, demoted, or transferred. A

position must be properly classified before any action is taken to announce its availability or to recruit, select, or fill the position.

A written description of duties and responsibilities shall be prepared by each first line supervisor for positions under his/her direction that are established or changed. Managers and supervisors should assure a sound position structure in the organizations they lead and ensure the structure is efficient and cost conscious.

5. **CLASSIFICATION RESPONSIBILITY**

All Requests for Personnel Actions, Standard Form 52 (SF-52), will be reviewed by Human Resources Specialists in order that classification accuracy or vacant positions can be evaluated, verified and, if necessary, corrected. Review of requests to fill vacant positions, which are submitted in accordance with the current Headquarters Order, provides the Human Resources Specialist an opportunity to suggest means for restructuring or downgrading positions for upward mobility purposes.

A. Evaluation Statements

- (1) Human Resources Specialists (Classification) will provide detailed justification in the form of evaluation statements for the classification of certain types of positions:
 - (a) Positions in a series not covered by a standard or benchmark;
 - (b) Atypical positions;
 - (c) Borderline-graded positions; and,
 - (d) Positions where evaluations reflect, in some measure, the impact of an incumbent on a position.
- (2) Justification will also be provided in the form of evaluation statements for certain types of classification actions:
 - (a) Actions to correct previous errors in allocations;
 - (b) Actions involving unusual interpretations of standards; and,
 - (c) Actions involving application of new standards.

B. Minimum Information Required

As a minimum, an evaluation statement should refer to the controlling standard for the position series and to the portions of the standard that apply. When the applicability of the standard is not clear-cut (i.e., where there are problems of analysis or interpretation), explanation of the selected grade, title, and series should be discussed in the detail necessary to demonstrate the applicability of the criteria to the facts of the case. When standards provide for the evaluation of elements of positions by means of points or coded values, the evaluation statement should show the point scores and values.

C. Application of New Position Classification/Benchmark Standards

HR Specialists will apply newly published or revised standards and agency guidelines within 90 calendar days of receipt unless another date is specified by the HR Officer or the Associate Director for Support Services.

D. Position Certifications

A position may be reviewed for certification purposes in the following ways:

- (1) Through supervisory certifications that positions under the supervisor's direction have not changed;
- (2) Classification reviews initiated by Personnel Action Requests; and,
- (3) Periodic review to determine if the PD is current and if requirements continue to be valid.

6. CLASSIFICATION APPEALS

A. What May be Appealed

An employee may appeal the classification of their position, including the series, grade and whether or not the position should be covered by the Classification Act.

B. Who May Appeal

Any employee, Wage Grade or General Schedule, may appeal the classification of their position.

C. Effect of Filing an Appeal

Filing a classification appeal will not stop an impending classification downgrade taken to correct a classification error or as a result of application of new position classification standards or benchmarks.

D. When a Classification Appeal may be Filed

An employee may appeal the classification of his/her position at any time and may do so through a representative designated in writing, if he/she wishes.

E. Special Rules for Protection of Retroactive Benefits

An appeal decision which reverses a classification action leading to a downgrading or to a loss of compensation may be made retroactive only if the initial classification appeal is filed on a timely basis. To be timely:

- (1) An initial classification appeal must be filed with the Selective Service System or the Office of Personnel Management (OPM) no later than fifteen (15) calendar days after the effective date of the action taken as a result of the classification decision.
- (2) A further appeal of the SSS decision made by the Associate Director for Support Services must be filed with the OPM no later than fifteen (15) calendar days after the appeal decision is received or fifteen (15) calendar days after the effective date of the action taken as a result of the classification decision, whichever is later.

F. Where Position Classification Appeals are Submitted

- (1) Within the SSS.

An employee must submit his or her classification appeal first to the Associate Director for Support Services. The SPT decision on appeal is the Agency's final decision. The next level of appeal is to the OPM.

- (2) Appropriate Regional Office of Personnel Management.

General Schedule employees may appeal initially to OPM (in which case they forfeit the opportunity for a SSS review) or they may appeal to OPM after an unsuccessful appeal to SSS.

Wage Board employees must appeal first through the SSS. The OPM will not accept the appeal directly.

G. Information Required in Appeal

An employee who wishes to appeal must file his/her appeal in writing in a letter or memorandum format. The appeal should include the following information:

- (1) Name and mailing address;
- (2) Physical location of employee's office;
- (3) Exact location of employee's position organizationally in the unit in which they work;
- (4) Current title and grade of employee's position;
- (5) The requested title and grade or other classification action;
- (6) A description of the work performed and a statement that the position description (PD) is a complete and accurate description of their work or a statement of differences between the official PD and what the employee believes his/her official duties and responsibilities to be;
- (7) Reasons why the employee feels their position is erroneously classified; and,
- (8) Statement of any facts that the employee feels may affect the appeal.



Selective Service System

National Headquarters / Arlington, Virginia 2209-2425

Change Notice

MANUAL: Personnel Policies
and Procedures Manual (PPPM)

RESPONSIBLE OFFICE: OP

DATE: April 29, 2011

NUMBER: 68

1. This Change Notice transmits modification to the PPPM, Chapter 520 Uncompensated Personnel. The current Chapter is being rescinded and replaced. Page changes should be made as follows:

REMOVE

INSERT

Chapter 520, dated March 1992

Chapter 520, dated April 2011

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.

A handwritten signature in black ink, appearing to read 'Lawrence G. Romo'.

Lawrence G. Romo
Director

Distribution: 1-7, 30

POLICIES AND PROCEDURES MANUAL
CHAPTER 520
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PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520
UNCOMPENSATED PERSONNEL

1. PURPOSE

This Chapter prescribes policies, principles, and procedures governing the appointment and processing of personnel actions covering all categories of uncompensated personnel, other than members of the National Appeal Board, in the Selective Service System.

(Note: National Appeal Board Members are appointed directly by the President with assistance from National Headquarters.)

2. UNCOMPENSATED POSITIONS

Members of local boards, district appeal boards, registrars, and all other persons volunteering their services to assist in the administration of the Selective Service law shall be uncompensated. Persons serving without compensation shall not accept remuneration from any source for service rendered in connection with Selective Service affairs.

3. APPROVAL AUTHORITY

The Director of the Selective Service System is the approval authority for all personnel actions relating to the uncompensated positions listed in Paragraph 2 above. The Director appoints members of local and district appeal boards. The Director or a Region Director appoints registrars.

4. QUALIFICATIONS FOR LOCAL AND DISTRICT APPEAL BOARD MEMBERS AND REGISTRARS

a. LOCAL BOARD (LB)

The Director, upon recommendation by the respective Governor or comparable executive official*, will consider for appointment as a member of a local board any person who:

- (1) is at least 18 years of age;
- (2) is a citizen of the United States;
- (3) is a resident of the county in which the local board has jurisdiction;
- (4) assists in maintaining a board membership which is, to the maximum extent practicable, representative of the race and national origin of the registrant population within the jurisdiction of the local board to which he or she would be appointed;
- (5) is not a member or retired member of the armed forces or any reserve component thereof;

- (6) is not employed by public or private enterprise to handle Selective Service matters or is not engaged in an occupation listed in Appendix A;
- (7) is not an employee of the Selective Service System or a spouse of a) a compensated or uncompensated employee of the Selective Service System; b) a Reserve Force Officer assigned to the Selective Service System; or, c) an appointee to any other Selective Service board;
- (8) has not served as a member of a local, district appeal, or former civilian review board for a combined period of more than twenty years cumulative service;
- (9) is willing to attend meetings and training sessions and/or complete self-study training materials.
- (10) is willing to certify his/her objectivity in board actions;
- (11) has not been convicted of any criminal act with a fine over \$400; except if a conviction is (1) older than 10 years (2) it was for a misdemeanor, and (3) the person has since displayed outstanding integrity in the community; and,
- (12) has registered with Selective Service if required to do so.

* If recommendations are submitted by any person not in the Governor's immediate office, the person who acts for the Governor will file with the Region Director written evidence of authority to act.

b. DISTRICT APPEAL BOARD (DAB)

The Director, acting upon recommendation of the respective Region Director, will consider for appointment as a member of a district appeal board a previous SSS Board Member who:

- (1) is at least 18 years of age;
- (2) is a citizen of the United States;
- (3) is a resident of the county for which the district appeal board has jurisdiction;
- (4) assists in maintaining a board membership which is, to the maximum extent practicable, representative of the race and national origin of the registrant population within the jurisdiction of the district appeal board to which he or she would be appointed;
- (5) is not a member or retired member of the armed forces or any reserve component thereof;

- (6) is not employed by public or private enterprise to handle Selective Service matters or is not engaged in an occupation listed in Appendix A;
- (7) is not an employee of the Selective Service System or a spouse of a) a compensated or uncompensated employee of the Selective Service System; b) a Reserve Force Officer assigned to the Selective Service System; or, c) an appointee to any other Selective Service board;
- (8) has not served as a member of a local board, district appeal board, or former civilian review board for a combined period of more than twenty years cumulative service;
- (9) is willing to attend meetings and training sessions and/or complete self-study materials.
- (10) is willing to certify his/her objectivity in board actions;
- (11) has not been convicted of any criminal act with a fine over \$400; except if a conviction is (1) older than 10 years (2) it was for a misdemeanor, and (3) the person has since displayed outstanding integrity in the community; and,
- (12) has registered with Selective Service if required to do so.

Note: With the disestablishment of the Civilian Review Boards (CRBs) in 2004, the duties of the CRBs are now assigned to the District Appeal Boards.

c. REGISTRARS

The Director or a Region Director will consider for appointment as registrar any person who:

- (1) is at least 18 years of age;
- (2) is a citizen of the United States; and,
- (3) has registered with the Selective Service System if required to do so.

5. COMPOSITION OF LOCAL AND DISTRICT APPEAL BOARDS

The Director of Selective Service will prescribe the number of members of each local board and district appeal board. The minimum number of members of any board is three, and the maximum number for local and district appeal boards is five. The Region Headquarters (RHQ) will assure the chairperson of each board is notified of the prescribed number of members of the board and panels thereof, and any change in such prescribed number.

6. SERVING IN DUAL CAPACITY

No person may serve on more than one of the following boards at the same time: local or district appeal board.

7. APPOINTMENT AND TRAINING

Region Directors are responsible for assuring appropriate membership of local and district appeal boards and subsequent training of appointees.

a. APPLICATION PROCEDURES

All applicants for uncompensated board member positions will complete a Board Member Application (SSS Form 404), a sample of which is attached at Appendix B-1. Further, all applicants shall be interviewed by a Selective Service civilian or military employee who is compensated by the Selective Service System. The interview shall be documented in the Interview Record (sample attached at Appendix B-2). The RHQ is responsible for thorough review of the SSS Form 404 and the Interview Record to determine eligibility and suitability of an applicant to serve as a board member. Any person answering yes, to question numbers 10, 12, or 13, 14, or 18 or no to numbers 11, 15, 16, or 19, on the SSS Form 404 should likely be disqualified. Any person who is required to register with the Selective Service System, and has not done so, should be disqualified. Exceptions will be granted by National Headquarters (NHQ) only in extraordinary circumstances. Such circumstances should be fully described in a memorandum from the Region Director to accompany the SSS Form 404.

b. RECOMMENDATION PROCEDURES

- (1) Governors and comparable executive officials are authorized and should be encouraged to recommend persons for appointment by the Director as members of local and district appeal boards within their respective State, Territory, or possession of the United States and the District of Columbia to serve on any local or district board therein for which they are qualified.
- (2) Any person recommended for appointment in accordance with Paragraph (1) may be appointed by the Director in accordance with such recommendation. The respective Region Director may, consistent with law, assign or reassign such appointee for duty on any local board within the jurisdiction of the recommending Governor or comparable executive official.
- (3) If the Governor or comparable executive official recommends a person for appointment to a specified local board, and if the Director elects to appoint the individual so recommended, such appointment will be made only to the local board specified in the recommendation.

c. APPOINTMENT PROCEDURES

- (1) **Pre-appointment.** After receipt of the SSS Form 404 and Interview Record at RHQ, appropriate personnel will be responsible for thorough review of the documents to determine eligibility of an applicant to serve as a board member. The applicant's information recorded on the SSS Form 404 will be input to the Board Member Information System (BMIS) within the Integrated Mobilization Information System (IMIS). Once it has been determined that a potential board member is qualified to fill a current vacancy, RHQ will forward, thru the appropriate State Director, a request, along with a copy of the SSS Form 404 and Interview Record, to the Governor or comparable executive official requesting his/her nomination for appointment to a local board.

If the applicant cannot be placed in a current vacancy, his/her information will be input to BMIS and a "Thank You" letter prepared on Region Director's letterhead. When signed by the Region Director, the letter will be mailed to the applicant and the SSS Form 404 and Interview Record will be returned to the submitting Reserve Force Officer to hold for future vacancies.

- (2) **Appointment.** After the Governor's or comparable executive official's nomination is received at RHQ, the Region Director or designee shall assign on behalf of the Director, the board member to his/her respective board. RHQ will prepare the Appointment Letter on the Director's letterhead and the Certificate of Appointment using the Director's electronic signature; and the Region Director's Assignment letter for approval and signature. The date of appointment will be the date shown on the Appointment Letter and Certificate of Appointment. The Region Director is the final reviewing official.

If a local board member's original appointment was specific to a local board or county, and if the Region Director elects to appoint the individual so recommended to the DAB, RHQ will forward, thru the appropriate State Director, a request, along with a copy of the SSS Form 404 and the Interview Record, to the Governor or comparable executive official requesting his/her nomination for appointment to the DAB. After the nomination is received from the Governor or comparable executive official, RHQ will prepare the Appointment Letter on the Director's letterhead and the Certificate of Appointment using the Director's electronic signature and the Region Director's Assignment Letter for approval and signature. The date of the appointment will be the date shown on the Appointment Letter and Certificate of Appointment.

The process cannot be completed until the applicant executes all required forms, including the signing of the Waiver of Pay on SSS Form 404.

d. TRAINING

RHQ will schedule initial training and such continuation training as may be instructed by the NHQ Operations Directorate (OP). Upon completion of initial training, the RHQ will issue a Certificate of Training signed by the Region Director.

8. MAINTAINING PERSONNEL FILES

Each Region Headquarters is to maintain a file folder for each uncompensated appointee. Form 404, the Interview Record, copies of certificates issued, and all other correspondence relating to the member become a part of the file folder. Files pertaining to terminated board members will be held at the RHQ for one year and then destroyed. Region Headquarters are further responsible for entry and maintenance of data into the BMIS.

9. RECOGNITION OF BOARD MEMBERS

Board members shall be recognized with Certificates of Appreciation signed by the Region Director for five (5), ten (10), and fifteen (15) years of board service.

10. TERMINATION BECAUSE OF LENGTH OF SERVICE

When a member of a local board or district appeal board has served as a board member for a combined period of twenty (20) years, his or her appointment terminates. Board members reaching 20 years of service will be recognized by a "Thank You" letter written on the Director's letterhead and a Certificate of Appreciation. Both will be signed using the Director's electronic signature.

11. TERMINATION/TRANSFER BECAUSE OF RESIDENCE CHANGE

When a member of a board moves his or her residence to a place outside the geographical jurisdiction of the board of which he or she is a member, the appointment terminates. Such board members may be considered for vacancies on boards serving the area of their new residence. If the original recommendation was to any local board, as described in 7.b. (1) and (2) above, the member may be reassigned without a new recommendation from the Governor. In such cases, appointments are accomplished by completion of a Transfer Letter, Certificate of Appointment, and, Region Director's Assignment Letter. If the original recommendation was to a specific board, a new Governor's recommendation is required. These forms are processed according to Paragraph 7.c., APPOINTMENT PROCEDURES.

12. SUSPENSIONS AND REMOVALS

The Director of Selective Service may remove or suspend any uncompensated person engaged in the administration of the Selective Service law.

a. REMOVAL FOR INELIGIBILITY

When a member of a local or district appeal board becomes ineligible for reasons of occupation or change in family status as defined in Paragraph

4 of this Chapter, his/her appointment terminates. In the case of local board members, the Area Office Supervisor shall notify the State and Region Directors. The Region Director, will request the board member's resignation, to preclude removal action. This request shall be forwarded via certified mail, return receipt requested. In the event the board member's resignation is not received within 25 days of such request, the Region Director will prepare a Final Removal Letter on the Director's letterhead using the Director's electronic signature. The Final Removal Letter will be sent via certified mail, return receipt requested and copies of the letters placed in the board member's personnel file. Once the Final Removal Letter has been mailed, the board member's record will be deactivated in BMIS. The Region Director is the final reviewing authority. (Samples for resignation request and removal are attached at Appendix B, pp. 8-9.)

b. REMOVAL FOR FAILURE TO COMPLETE TRAINING

RHQ is responsible for documenting board member training and meeting attendance, and for retaining such documentation in board member files.

If a board member fails to complete Initial Board Member Training (IBMT) and or Continuation Training as required to include missing three consecutive schedulings, the Region Director has the authority to remove such member. The Region Director will request the board member's resignation, to preclude removal removal action and/or give the board member an opportunity to provide any statement regarding extenuating circumstances that might have precluded him/her from attending training. This request shall be forwarded via certified mail, return receipt requested. In the event the board member's resignation is not received within 25 days of such request, the Region Director will prepare a Final Removal Letter on the Director's letterhead using the Director's electronic signature. The Final Removal Letter will be sent via certified mail, return receipt requested and copies of the letters placed in the board member's personnel file. Once the Final Removal Letter has been mailed, the board member's record will be deactivated in BMIS. Should the board member provide information to merit consideration for non-removal, the Region Director has the authority to retain or remove the board member at his/her discretion. The Region Director is the final reviewing authority. (Samples for resignation request and removal attached at Appendix B, pp. 10-11.)

c. REMOVAL OF A BOARD MEMBER /REGISTRAR FOR CAUSE

Whenever the actions, other than failure to attend training or a criminal conviction, of a board member or registrar reflect inefficiency, neglect of duty, or malfeasance in office, or are of such nature as would bring embarrassment to the Selective Service System, the State Director will forward a recommendation for removal with all pertinent information to the Region Director. During the review process the member/registrar shall be suspended by letter from the Region Director and given the opportunity to submit any statement in answer to the consideration for removal (sample attached at Appendix B-11). If sufficient evidence for removal is received, the Region Director shall advise the Director and shall prepare a letter of

final removal for the Director's signature on the Director's stationery using the Director's electronic signature (sample attached at Appendix B-11A). The Suspension Letter (sample attached at Appendix B-12) and the Final Removal Letter should be mailed via certified mail, return receipt requested. The board member's record is to be deactivated in BMIS. A removed registrar will be deactivated from SSS data base.

d. REMOVAL OF A BOARD MEMBER/REGISTRAR FOR CRIMINAL CONVICTION

Where a board member or registrar has been convicted in a court of law of any criminal act (other than a minor traffic offense involving a fine of less than \$400), the Region Director should recommend removal and advise the Director. (If a board member or registrar has been acquitted of such offense or prosecution has been dropped, the attending publicity may warrant consideration of whether there has been embarrassment to the Selective Service System as provided in Paragraph 12.c.) State Directors are to forward documents confirming the conviction and all pertinent correspondence, with a recommendation for removal, to the Region Director. During the review process, the member/registrar shall be suspended by letter (sample attached at Appendix B-12) from the Region Director. After consideration and approval by the Region Director, RHQ will prepare a Removal Letter prepared on the Director's stationery using the Director's electronic signature (sample attached at Appendix B-13). The Suspension Letter and the Final Removal Letter should be mailed via certified mail, return receipt requested. The board member's record is to be deactivated in BMIS. A removed registrar will be deactivated from SSS data base.

e. ACTIONS BY THE DIRECTOR

Upon his own motion, or upon receiving recommendation for removal of a local, district appeal board member:

- (1) For Cause (other than failure to attend training or a criminal conviction): The Director shall determine whether there is a sufficient basis to remove a member; and, upon his decision to do so, shall send a letter (via certified mail, return receipt requested) to the member concerned, advising of the proposed decision to remove the member, stating the reason for the decision, and permitting the member to submit any statement in answer for the consideration of the Director. Upon receipt of such a statement from the board member, the Director will consider the statement together with all the evidence of record, reverse or affirm his previous determination, and notify the member of his final decision in the matter. All letters of notification shall be forwarded to the board member at the board address through the Region Director, with a copy to the State Director in the case of the local board members. Region Headquarters should forward such letters to the member via certified mail, return receipt requested. The date on which the Director or his designee signs the final removal action is the effective date of the removal.

- (2) For Criminal Conviction: The Director shall determine whether removal of the member is appropriate and, if so, will notify the member by letter of his decision to remove the member effective upon a given date and of the reason for the decision. The letter of notification shall be forwarded to the board member at the board address through the Region Director, with a copy to the State Director in the case of local board members. Region Headquarters should forward such letters to the member via certified mail, return receipt requested.

13. POTENTIAL BOARD MEMBER FILE

Region Directors or appropriate RHQ personnel shall input information recorded on each SSS Form 404 submitted for board service into BMIS as a recruiting source for filling future vacancies. In reappointing or transferring previously appointed members, procedures in Paragraph 7 should be used.

14. RECRUITING

Paid advertising, in whole or in part, soliciting application for appointment as board members is prohibited. Any requests for exceptions to this policy should be fully justified and forwarded to the Director for approval. Board Members should be recruited using community contacts developed by the State Director and Area Office Supervisors and by referrals from sources such as community leaders, board members, and other centers of influence. However, the Selective Service System Public Service Announcements may be placed in local newspapers and places of public viewing as long as there is no cost to the Agency.

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520
APPENDIX A-1

ELIGIBILITY OF CIVILIAN PERSONNEL IN PUBLIC EMPLOYMENT

Persons in the following occupations should not be appointed as local board or district appeal board members; provided, that no action of any board will be invalid on the ground that a member thereof is engaged in such occupations:

- (a) Prosecuting Attorney
- (b) State Attorney
- (c) District Attorney
- (d) Assistant District Attorney
- (e) County Attorney
- (f) Assistant Attorney General
- (g) Prosecutor of Pleas or the equivalent
- (h) County Judge (if the office has criminal jurisdiction)
- (i) Circuit Court Judge
- (j) District Judge
- (k) Judge of Magistrate Court
- (l) Police Justice
- (m) Justice of the Peace (if the office has criminal jurisdiction)
- (n) Police Court Judge
- (o) Police Officer
- (p) Probation Officer
- (q) County Warrant Officer
- (r) County Sheriff
- (s) Deputy County Sheriff
- (t) Other Law Enforcement Officers
- (u) Police Jury Secretary

- (v) Mayor (if duties include the exercise of police or judicial authority)
- (w) Bail Commissioner

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520
APPENDIX B-1

UNCOMPENSATED POSITIONS SAMPLES OF CORRESPONDENCE, FORMS AND
CERTIFICATES

See following pages.

SSS Board Member Application
Personnel Policies and Procedures Manual - Chapter 520

The Selective Service System (SSS) is seeking applicants to serve as uncompensated members of the SSS Boards. There is no plan to begin inducting young men into military service at this time. Before inductions could be resumed, a law must be passed by Congress and approved by the President. However, there is a need to make the SSS ready to operate should it become necessary. Consequently, it is necessary that we select and train citizens who would be willing to serve if needed.

Completing the attached information sheet does not obligate you to accept an appointment nor does it constitute an offer of an appointment. Each individual selected for recommendation will be contacted to determine availability. This application is the first step in identifying individuals who are willing to serve as SSS Board Members.

A. Eligibility Requirements: In order to be considered for appointment on a Board,

1. **You MUST:**

- a. be a citizen of the United States;
- b. be at least 18 years of age;
- c. reside in the county in which the Board has jurisdiction;
- d. be able to devote sufficient time to accomplish Board Member duties;
- e. be willing to apply the SSS law and Regulations fairly and uniformly; and
- f. be registered with the SSS, if required to do so.

2. **You MAY NOT:**

- a. be an active or retired member of the Armed Forces or any Reserve Component;
- b. have 20 or more cumulative years of prior SSS Board Membership;
- c. be employed by public or private enterprise which handles SSS matters;
- d. be a member of a law enforcement occupation as defined by SSS policy (example: police officer or judge);
- e. be a SSS employee or a spouse of:
 - i. a compensated or uncompensated employee of the SSS;
 - ii. a Reserve Officer assigned to the SSS; or
 - iii. an appointee to any other SSS Board.
- f. have been convicted, forfeited collateral, or are now under charges for a criminal offense, other than a traffic offense with only a fine of \$400.00 or less; except if a conviction is (1) older than 10 years (2) it was for a misdemeanor, and (3) the person has since displayed outstanding integrity in the community.

B. Appointment: Local Board Members are appointed by the Director after recommendation by the Governor of their State. District Appeal Board Members are appointed by the Director upon recommendation of a Region Director. Each SSS Board is composed of 5 members and membership of each Board should, to the maximum extent possible, be proportionately representative of the race and national origin of the registrants within its jurisdiction. No citizen will be denied membership based on gender.

C. Selection: Individuals are selected by a process which begins with preliminary screening to determine where the basic eligibility requirements are met. Personal interviews will be conducted with those persons found eligible. A prospective Board Member's indication of willingness to serve by filling out the attached form is not a guarantee of a recommendation or a final commitment to serve. Each nominee will sign an Oath of Office and Waiver of Pay and receive written confirmation of appointment before serving as a Board Member.

D. Training: Each Board Member may receive approximately 5 hours initial training in members' duties and responsibilities, as well as continuation training consisting of 2 hours, which may be scheduled yearly. Board Members training may also be kept current by various mailings. If Board Members are unable to attend 3 consecutively scheduled training sessions, they will be asked to resign or will be removed from their positions.

E. Responsibilities: Board Members are responsible for keeping abreast of changing regulations and procedures by attending training and meeting as a Board as scheduled, as often as necessary, to consider and decide on Registrants' claim(s) for deferment, exemption and postponement of induction. Decisions of Local Boards are subject to appeal. Because Board Members are key to the success of the SSS, they are asked to attend all training sessions and Board meetings.

F. Remuneration: Board Members receive no pay for serving on the Board. They are, however, reimbursed for authorized travel expenses incurred while conducting SSS Duties. This includes travel to required training sessions and to Board meetings. Remuneration will occur via Direct Deposit. Board Members do receive satisfaction knowing that they have had vital role in insuring that our nation's defense manpower needs have been met in a just and impartial manner.

G. Application: If you meet the eligibility requirements in Section A and are interested in being considered for appointment, please complete the attached form and give it to the assisting official present or forward it to the appropriate SSS Region Headquarters indicated below. Locate your state abbreviation; this will designate the Region Headquarters address.

REGION I
CT, DE, DC, IL, IN, ME, MA, MD, MI,
NH, NJ, NY, OH, PA, RI, VT, or WI
Building 3400, Suite 276
North Chicago, IL 60064-9983

REGION II
AL, AR, FL, GA, KY, LA, MS, NC, PR, SC, TN,
TX, VI, VA, or WV
2400 Lake Park Drive, Suite 270
Smyrna, GA 30080

REGION III
AK, AZ, CA, CO, GU, HI, IA, ID, KS, MO, MN,
MP, MT, NE, ND, NM, NV, OK, OR, SD, UT
WA, or WY
Stapleton Building, Suite 1014
3410 Quebec Street
Denver, CO 80207-2323

SPECIFIC INSTRUCTIONS FOR SSS FORM 404

(Self explanatory items are not mentioned below)

- Item 1. **Social Security Number:** Use 9 digits.
- Item 2. **Title:** Enter a one digit number 1=Mr., 2= Mrs., 3= Ms., 4= Miss., 5 = Dr., 6= Other
Suffix: Example: Jr., Sr., I, II, III
- Item 3. **Residence:** Address (location) where you reside. Enter Number, Street, Route, Apt. Number, city, county, state.
ZIP: Fill in all 9 numbers.
- Item 4. **Mailing:** If address is the same as residence, write "SAME".
- Item 5. **Residence-Business Phones/e-mail/Fax:** Enter phones followed by your primary e-mail and fax if applicable.
- Item 8a. **Ethnicity: Do you consider yourself to be Hispanic or Latino?** Please check one box only on the application form.
- Item 8b. **Race: What is your race?** Please check one or more boxes as appropriate on the application form.
- Item 10. **Armed Forces Status:** Enter a one digit number from the list below:
- | | | | | |
|--------------------|-----------------------------------|-------------|--------------------------------------|--|
| 1 = Non Applicable | 3 = Active National Guard/Reserve | 5 = Retired | 6 = Honorable discharge, not retired | 7 = Other than honorable, not retired. |
| 2 = Active Duty | 4 = Inactive Reserve | | | 8 = Type of discharge unknown |
- Item 17. **Former Board Member:** If you have served as a Board Member before, fill in the location and dates of service. If you have additional previous tours of service use the continuation sheet.
- Item 19. **Males Only:** If you are male and required to register, enter your Selective Service Number.
- Item 20. **Occupation:** Enter a two - digit number code from the list below. You may enter further information in the space provided. If you choose "Other – 99", enter your occupation in the space provided at Item 20.
- | | | | |
|------------------|-------------------------|--------------------|-------------------------------|
| 01 = Accounting | 07 = Legal | 12 = Real Estate | 18 = Engineering |
| 02 = Banking | 08 = Homemaker | 13 = Retired | 19 = Computer/Data Processing |
| 03 = Education | 09 = Manufacturing | 14 = Sales | 20 = Retail |
| 04 = Agriculture | 10 = Medical/Dental | 15 = Self Employed | |
| 05 = Government | 11 = Secretary/Clerical | 16 = Trades | 99 = Other (Specify) |
| 06 = Insurance | | 17 = Student | |
- Item 21. **Occupational Category:** Enter a two-digit number code from the list below. You may enter further information in the space provided. If you enter numbers 23, 24, or 25, enter a description in the space provided in item 21.
- | | | |
|------------------------------|--------------------------------|--------------------------------|
| 01 = Asst. Attorney General | 11 = District Attorney | 21 = Sheriff |
| 02 = Asst. District Attorney | 12 = District Judge | 22 = State Attorney |
| 03 = Attorney General | 13 = Justice of the Peace | 23 = Judicial (Specify) |
| 04 = Bail Commissioner | 14 = Magistrate | 24 = Penal (Specify) |
| 05 = Circuit Court Judge | 15 = Mayor (w/Judicial Duties) | 25 = Law Enforcement (Specify) |
| 06 = Court Attorney | 16 = Police Court Judge | 26 = Other _____ |
| 07 = County Judge | 17 = Police Justice | 08 = Court Warrant Officer |
| 18 = Police Officer | 99 = None of the Above | |
| 09 = Court Bailiff | 19 = Parole/Probation Officer | |
| 10 = Deputy Sheriff | 20 = Prosecuting Attorney | |
- Item 22. **Civic/Professional Organizations:** If you belong to any civic/professional organizations enter name of Organization and office held. Use the Continuation sheet as needed.

PRIVACY ACT STATEMENT

THE INFORMATION REQUESTED ON THIS FORM IS UNDER AUTHORITY OF SECTION 10(b)(3) OF THE MILITARY SELECTIVE SERVICE ACT (50 U.S.C APP 460(b)(3)). FURNISHING THE INFORMATION IS VOLUNTARY, BUT FAILURE TO PROVIDE THE REQUESTED INFORMATION WILL PRECLUDE SELECTION FOR APPOINTMENT.

INFORMATION SUPPLIED ON THIS FORM WILL BE USED IN SELECTING AND APPOINTING MEMBERS OF THE LOCAL BOARDS AND DISTRICT APPEAL BOARDS OF THE SELECTIVE SERVICE SYSTEM. INFORMATION SUPPLIED MAY BE FURNISHED TO THE DEPARTMENT OF JUSTICE WHEN REQUIRED IN CONNECTION WITH PROCESSING ALLEGED VIOLATIONS OF THE MILITARY SELECTIVE SERVICE ACT OR TITLE 18 U.S.C.

THE NAME AND COUNTY OF RESIDENCE OF PERSONS APPOINTED AS MEMBERS OF BOARDS WILL BE PUBLIC INFORMATION.



Selective Service System

Potential Board Member Information
See Instructions and Privacy Statement (Page 2)

FOR OFFICE USE ONLY ☐

ST:___ AO#___ LB#___

Service Computation Date ___/___/___

1. Social Security Number: _____
2. Title: _____ Last Name: _____ Suffix: _____ First Name: _____ MI: _____
3. Residence Address: _____
(Enter Number, Street, Route, Apt., number where you reside. Please no P.O. Box)
City: _____ County: _____ State: _____ Zip: _____
(9 Digit Zip Requested)
4. Mailing Address: _____
City: _____ State: _____ Zip: _____ Employer: _____
5. Residence Phone: _____ 6. Business Phone: _____ Extension: _____
E-mail: _____ Fax: _____
7. Birth Date: _____
Month/Day/Year
- 8a. Ethnicity: Do you consider yourself to be Hispanic or Latino? Please check one box only: YES ☐ NO ☐
- 8b. Race: What is your race? Please check one or more boxes as appropriate:
☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander ☐ White
9. Sex: Male ☐ Female ☐
10. Are you a member of the Armed Forces of the United States? Enter Number: ☐ (See Instructions – Page2)
YES NO (For Items 11 through 19 check 'yes' or 'no')
11. ☐ ☐ Are you a citizen of the United States?
12. ☐ ☐ Are you a compensated employee of the Selective Service System?
13. ☐ ☐ Are you a spouse of an employee of Selective Service, as defined in the Eligibility Requirements on Page 1, paragraph A.2.e?
14. ☐ ☐ Are you (or are you the spouse of) a Reserve Force Officer with Selective Service, or an appointee to another Selective Service board?
15. ☐ ☐ Will you attend required board meetings and training sessions?
16. ☐ ☐ Do you feel you would be objective and unbiased in performing the duties as a member of a Selective Service Board?
17. ☐ ☐ Are you a former Selective Service Board Member? (Use continuation sheet if necessary)
If yes: Board No: _____ City: _____ Start Date: _____
State: _____ County: _____ Stop Date: _____

18. ☐ ☐ Have you ever been convicted, forfeited collateral, or are now under charges for a criminal offense, other than traffic offense with only a fine of \$400.00 or less? If yes, explain below.

19. ☐ ☐ **Males only:** I certify that I am in compliance with the registration requirement of the Military Selective Service Act. If no, explain below.

Selective Service Number: _____
20. Occupation: (See Instruction, Page 2) ☐☐ _____ Other: _____
21. Occupation Category: (See Instructions Page 2) ☐☐ _____ Description: _____
22. I belong to the following civic/professional organizations: (If additional space is needed, use continuation sheet).

Organization

Office Held (if any)

I certify that all of the statements made above are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

(DATE SIGNED (SIGN IN INK))

SIGNATURE OF POTENTIAL BOARD MEMBER

We estimate the public reporting burden for this collection will vary from 5 to 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering data, and completing and reviewing the information. Send comments regarding the burden statement or any other aspects of the collection of information, including suggestions for reducing this burden to: Selective Service System, SSS Forms Officer (3240-0005), Arlington, VA 22209-2425. The OMB control number 3240-0005, is currently valid. Persons are not required to respond to this collection unless it displays a valid OMB control number.

Selective Service System

OATH OF OFFICE AND WAIVER OF PAY

(Required of every person who undertakes to render voluntary uncompensated service in the administration of the Military Selective Service Act)

OATH OF OFFICE

I do solemnly swear (or affirm) that if appointed to any position under the Military Selective Service Act, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; SO HELP ME GOD.

WAIVER OF PAY

I hereby expressly declare that I am volunteering my services to assist in the administration of the Military Service Act, and if appointed to an uncompensated position, I hereby expressly waive any right to pay or compensation in any form whatsoever for services heretofore or hereafter rendered. This waiver is signed by me pursuant to the provisions of the Selective Service Regulations.

Printed or Typed Full Name	Signature	Date

AUTHENTICATION

SUBSCRIBED AND SWORN (or affirmed) BEFORE ME ON THIS _____ DAY OF _____ 20____

Printed or Typed Full Name and Title of Individual Authorized to Administer Oath	Signature

INSTRUCTIONS

- Completing this portion of the Form 404 will not commit you to accept an appointment nor does it constitute an offer of appointment.
- **Oath of Office and Waiver of Pay** – To be completed and signed by the prospective applicant when completing the interview and the first portion of this form.
- **Authentication** – To be completed and signed by the person so authorized in Chapter 520, PPPM, after the prospective applicant has signed the Oath of Office and Waiver of Pay.
- This form will be retained in the Board Member's file.

SELECTIVE SERVICE SYSTEM INTERVIEW RECORD			
Name of Applicant			
SSN	State	Area Office (if LB)	Board LB <input type="checkbox"/> DAB <input type="checkbox"/> # _____
Name of Interviewer			
Date		Location	
Other Information			
INSTRUCTIONS FOR COMPLETING THIS FORM			
<ul style="list-style-type: none"> o Complete this form during or immediately following the interview. o Make certain all information is legible. o Review the interview record for completeness and accuracy. o Attach this interview record to the Board Member Application (SSS Form 404) completed by the prospective Board Member and forward to the Region. Retain a copy for your records. o All questions are to be completed and any explanations required will be provided in Section D. Incomplete forms will be returned for completion. 			
SECTION A			
For an Identification Card to be issued after appointment, the following information is required:			
Height: _____ (Inches)	Dominant Eye Color: _____		
Weight: _____ (Pounds)	Dominant Hair Color: _____		
SECTION B			
Check the appropriate "Yes" or "No" answer. A "No" response in Questions 1-10 requires clarification in Section D on Page 2.			
Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Does the candidate meet the eligibility requirement?		
Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Has the candidate reviewed the Information Booklet?		
Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Did you review current/post-mobilization duties of Board Members?		
Yes <input type="checkbox"/> No <input type="checkbox"/>	4. Did you review selection procedures for Board Members?		
Yes <input type="checkbox"/> No <input type="checkbox"/>	5. Did you discuss training requirements?		
Yes <input type="checkbox"/> No <input type="checkbox"/>	6. Does the candidate have time to serve and ability to travel?		
Yes <input type="checkbox"/> No <input type="checkbox"/>	7. Will the candidate be able to serve without any reservations?		
Yes <input type="checkbox"/> No <input type="checkbox"/>	8. Does the candidate believe he/she can serve a year or more from now?		
Yes <input type="checkbox"/> No <input type="checkbox"/>	9. Did the candidate speak clearly and distinctly?		
Yes <input type="checkbox"/> No <input type="checkbox"/>	10. Did the candidate convey ideas in a logical manner?		
Yes <input type="checkbox"/> No <input type="checkbox"/>	11. Does the candidate object to having his/her name and represented county announcing the appointment as a Board Member published in local newspaper(s)? (Please note: Privacy Act forbids publishing the address of a Board Member and only the name and county represented would be used in the news release.)		

SSS Interview Record (Rev 7-2010) Front

SECTION C

Please give a detailed impression of the candidate concerning the following topics:

12. Human Relations:

13. Verbal Communications Ability:

14. Decision Ability:

15. Freedom from Bias:

16. Leadership Ability:

17. Temperament:

18. What type of Board Member do you think this person would be (check one):

☐ A. Excellent

☐ B. Very Good

☐ C. Good

☐ D. Fair

19. Other Comments:

SECTION D

Space is provided for clarification of statements from Questions 1-10 on the previous page:

Question #

Question #

FOR STATES WITH LAWS PROHIBITING BOARD MEMBERSHIP FOR APPOINTED/ELECTED OFFICIALS:

The person interviewing a Prospective Board Member using this interview sheet will:

1. Either read the below NOTE to the Prospective Board Member or have the Prospective Board Member read it.
2. Indicate that the Prospective Board Member is aware of the NOTE's content by signing your name as the Interviewing Official, indicate your title or position, and enter the date.

NOTE: Some state and local governmental jurisdictions may have laws or regulations which might prohibit their appointed or elected officials from serving in certain Federal positions, including service as an SSS Board Member. If this prohibition applies to you, please notify the SSS and your application for Board Membership will be deferred.

Interviewing Official

Position or Title (i.e., RFO/SD/etc.)

Date

SSS Interview Record (Rev 7-2010) Back



SELECTIVE SERVICE SYSTEM
Potential Board Member Information
Continuation Sheet

17. Additional former Selective Service Board Member:

Board No:	City:	Start Date:
State:	County:	Stop Date:
Board No:	City:	Start Date:
State:	County:	Stop Date:
Board No:	City:	Start Date:
State:	County:	Stop Date:

22. Additional Civic/Professional Organizations:

Organization

Office Held (if any)

PERSONNEL POLICIES AND PROCEDURES MANUA
CHAPTER 520

APPENDIX B-4
Use NHQ Blue Letterhead Stationery

SAMPLE APPOINTMENT LETTER
(Local, District Appeal Board)

«BM_TITLE» «BM_NAME»
«BM_ADDRESS1»
«BM_ADDRESS2»
«BM_CITY_ST_ZIP»

«DEAR_BM»:

It is my pleasure, in the name of the President, to appoint you as a member of the Selective Service System «BOARD_TYPE» Board in the «STATE_OF». As a «BOARD_TYPE» Board Member, you are a very important part of the Selective Service System.

I welcome you to the Selective Service System. Your Certificate of Appointment and Assignment Letter are enclosed. You will be assigned to a Board position in «RG_NO». If you have any questions concerning your appointment or the Selective Service System in general, please do not hesitate to contact the Selective Service at «RG_NO» Headquarters at «RG_PHONE», extension 222.

Sincerely,



Lawrence G. Romo
Director

Enclosures

Certificate of Appointment

To all who shall see these presents, greeting:

Know Ye, that because of demonstrated patriotism, fidelity, and abilities,

Board Member Name

has been appointed to the position of

Local Board Member of the State of ,

and is hereby authorized and empowered to execute and fulfill the duties of that office and to do and perform all manner of things the same belonging according to the laws of the United States and the rules and regulations prescribed thereunder by the President or by his direction, and to have and to hold the said office during the pleasure of the President.

Given under my hand at the City of Arlington, this 20th day of August, in the year of our
Lord, two thousand nine, and in the 233rd year of the Independence of the United States.

For the President.



Director of Selective Service



CERTIFICATE OF TRAINING

This is to certify that

BOARD MEMBER NAME

has successfully completed

Initial Board Member Training in the State of Tennessee

Training Instructor

Date

Region Director

SAMPLE



this
Certificate of Appreciation
is hereby awarded to

in grateful recognition of
Twenty Years of Loyal and Faithful Service
rendered in the administration of the Selective Service System.

Awarded at Washington, District of Columbia,
this day of , 19 .



PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520

APPENDIX B-8

Use Region Headquarters Stationery Send Certified Mail, Return Receipt Requested

SAMPLE RESIGNATION REQUEST PRIOR TO
REMOVAL FOR INELIGIBILITY:
(Family Member, Change in Occupation)

Dear _____;

Recent information indicates that, since your appointment to (Local or District Appeal) Board No. _____, you have become ineligible to serve as a Board Member as defined in the Selective Service System's Personnel Policies and Procedures Manual, Chapter 520.

This ineligibility results from your (fill in reason: family member or change in occupation). The applicable portion of Agency regulations is enclosed.

I am sure you are aware that our Agency's ability to contribute to the national defense rests on properly constituted boards, fully staffed and trained. Continued membership of ineligible persons renders a board unable to begin work upon mobilization. To preclude removal actions, I have enclosed a resignation letter for your signature. Please return the signed letter in the enclosed envelope. Should you wish to present further information, please feel free to do so.

We appreciate your service and your contribution to the Selective Service System.

Sincerely,

Region Director

Enclosures

cc: State Director
Area Office Supervisor
Detachment Commander

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520

APPENDIX B-8-A

SAMPLE OF LETTER OF RESIGNATION*

* DO NOT TYPE ON AGENCY LETTERHEAD WHEN SENDING TO A BOARD MEMBER

Name of Region Director
Address of Region Headquarters

Dear _____:

In response to your letter of _____, I hereby resign from (Local or District Appeal Review) Board No. _____.

I find I am ineligible to serve because of (give reason).

Thank you for your consideration in this matter.

Sincerely,

Board Member's Name

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520

APPENDIX B-9

Use Director's Stationary
Send Certified Mail, Return Receipt Requested

FINAL REMOVAL LETTER
INELIGIBILITY

Dear _____:

The readiness capability of the Selective Service System is grounded in the network of (local or district appeal) boards in counties and local communities across the Nation. The members of these boards will be day to day decision-makers should a national emergency require conscription.

When you were appointed to your position on (Local or District Appeal) Board No. ____, you met all eligibility requirements, as defined in the Agency's Personnel Policies and Procedures Manual, Chapter 520. Unfortunately, because of (fill in reason), you are now ineligible to serve as a board member. This ineligibility was detailed in correspondence to you from Region ____, dated ____, (copy enclosed). You were given the opportunity to present additional, relevant information or to resign. (Adopt next sentence to situation. Either: neither has been received; or, the information you presented does not establish your eligibility.)

I am, therefore, removing you as a (local or district appeal) board member effective today. Our records show that you have served as a member of (Local or District Appeal) Board No. ____ since _____.

Sincerely,

Director

Enclosures

cc: Region Director, Region ____

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520

APPENDIX B-10

Use Region Headquarters Stationary Send Certified Mail, Return Receipt Requested

SAMPLE RESIGNATION REQUEST PRIOR TO REMOVAL
FOR NONATTENDANCE OF MEETINGS OR CONTINUATION TRAINING

Dear _____:

A recent review of our board member records reveals that you have missed three consecutive schedulings of training. These were scheduled on _____, _____, and _____.

Our Agency's ability to contribute to the national defense rests on our total dedication to be trained and ready in the event of a national emergency. Our (local or district appeal) boards are a vital component of our national defense, and board member training is essential to guarantee registrants due process with fair and equitable treatment.

Selective Service System policy mandates termination of board members who have been unable to complete training after being notified of these schedulings. To preclude removal action, I have enclosed a resignation letter for your signature. Please return the signed letter in the envelope provided.

We appreciate your having volunteered to serve and deeply regret that your personal schedule did not permit you to attend the required training.

Sincerely,

Region Director

Enclosure

cc: State Director
Area Office Supervisor
Detachment Commander

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520

APPENDIX B-10-A

SAMPLE OF LETTER OF RESIGNATION*

*DO NOT TYPE ON AGENCY LETTERHEAD WHEN SENDING TO A BOARD MEMBER

Name of Region Director
Address of Region Headquarters

Dear _____:

In response to your letter of _____, I hereby resign from (Local or District Appeal) Board No. ____.

My personal schedule precludes my attendance at board meetings or training.

Thank you for your consideration in this matter.

Sincerely,

Board Member's Name

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520

APPENDIX B-11

Use Director's Stationery
Send Certified Mail, Return Receipt Requested

REMOVAL FOR NONATTENDANCE

Dear _____:

The readiness capability of the Selective Service System is grounded in the standby network of (local or district appeal) boards representing the counties and local communities across the Nation. The members of these boards will be day-to-day decision-makers should a national emergency require conscription.

When you were interviewed prior to your recommendation by the Governor of (State) to become a (local or district appeal) board member, you were informed of the importance of these duties and of the obligations which go along with them. Unfortunately, your lack of attendance at scheduled sessions has been so prevalent that the Agency can no longer rely on you as a board member. These shortcomings were detailed in correspondence to you from Region _____, dated _____ (copy enclosed). You were given the opportunity to offer additional information or explanation, or to resign. (Adapt next sentence to situation. Either: none has been received; or, the information you presented, together with your history of nonattendance precludes our continuing your appointment.)

I am, therefore, removing you as a (local or district appeal) board member of the Selective Service System, effective today.

Sincerely,

Director

cc: Region Director, Region _____

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520

APPENDIX B-12

Use Director's Stationery
Send Certified Mail, Return Receipt Requested

NOTICE OF REMOVAL FOR CAUSE

Local or District Appeal
Board Address

THRU: DIRECTOR, REGION ____

Dear _____:

The readiness capability of the Selective Service System is grounded in the standby network of (local or district appeal) boards representing the counties and local communities across the Nation. The members of these boards will be day-to-day decision makers should a national emergency require conscription.

Recent information indicates that (describe situation). (Describe documentation) documenting this action is enclosed. The Agency Personnel Policies and Procedures Manual, Chapter 520, Paragraph 12.c. (copy enclosed) prohibits such action by uncompensated personnel. The Director, Region ____ has been requested to suspend your membership to (Local or District Appeal) Board No.____, pending resolution of this issue.

I invite you to submit a statement for consideration before a final determination is made on your removal. The statement must be mailed within fourteen (14) calendar days of the date of this letter.

Sincerely,

Director

Enclosure

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520

APPENDIX B-12-A

Use Director's Stationary
Send Certified Mail, Return Receipt Requested

FINAL REMOVAL FOR CAUSE

Local District Appeal
Board Address

THRU: DIRECTOR, REGION ____

Dear _____:

The readiness capability of the Selective Service System is grounded in the standby network of (local or district appeal) boards representing the counties and local communities across the nation. The members of these boards will be day-to-day decision-makers should a national emergency require conscription.

As indicated in my letter of _____, the Agency's Personnel Policies and Procedures Manual, Chapter 520, Paragraph 12.c., prohibits certain actions by uncompensated personnel. (I have considered the information you provided, but find that the interests of the Agency will best be served by your removal. OR In that letter you were offered the opportunity to submit a statement. None has been received.)

Accordingly, I am removing you as a (local or district appeal) board member of the Selective Service System, effective today.

Sincerely,

Director

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520

APPENDIX B-13
Use Region Headquarters Stationery

SUSPENSION LETTER PENDING DECISION TO REMOVE
FOR CAUSE OR CONVICTION

Dear _____:

Recent information indicates that (describe situation). (Describe documentation) documenting this action is enclosed.

I am sure you are aware that our Agency's ability to contribute to the national defense rests on properly constituted boards. Actions such as the one described above are prohibited by Agency regulations published in the Personnel Policies and Procedures Manual, Chapter 520, Paragraph 12.(c. or d.). These regulations require investigation and final removal determination by the Director of Selective Service. Pending final determination, you are hereby suspended from acting in any official capacity as a (local or district appeal) board member, effective today.

Sincerely,

Region Director

Enclosure

cc: State Director
Area Office Supervisor
Detachment Commander

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520

APPENDIX B-14

Use Director's Stationery

Send Certified Mail, Return Receipt Requested

FINAL REMOVAL FOR CRIMINAL CONVICTION

Local or District Appeal
Board Address

THRU: DIRECTOR, REGION _____

Dear _____:

The readiness capability of the Selective Service System is grounded in the standby network of (local or district appeal) boards representing the counties and local communities across the Nation. The members of these boards will be day-to-day decision-makers should a national emergency require conscription.

Recent information indicates that (describe situation). (Describe documentation) documenting this action is enclosed. The Agency Personnel Policies and Procedures Manual, Chapter 520, Paragraph 12.d., prohibits such action by uncompensated personnel.

Accordingly, I am removing you as a (local or district appeal) board member of the Selective Service System, effective today.

Sincerely,

Director

Enclosure

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 520
APPENDIX C-1

AUTHENTICATION OF OATHS

- a. **PERSONS AUTHORIZED TO AUTHENTICATE OATHS.** Any civil officer authorized to authenticate oaths generally; any commissioned officer of the armed forces assigned for duty with the Selective Service System; any compensated employee of State or Region Headquarters; any Postmaster, acting Postmaster, or assistant Postmaster; or, other person designated by the Director may authenticate the Oath of Office.
- b. **AFFIRMATION.** Whenever an oath is required, an affirmation, if made by a person having conscientious scruples against the taking of oaths, shall be sufficient compliance. The person taking the affirmation may strike out the words "swear" and "So Help Me God" in the Oath of Office.
- c. **NO FEE OR CHARGE.** No fee or charge shall be made by personnel of the Selective Service System for the administration of oaths.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2425

Change Notice

**MANUAL: PERSONNEL POLICIES AND
PROCEDURES MANUAL (PPPM)**

RESPONSIBLE OFFICE: SPT

DATE: June 17, 2011

NUMBER: 69

1. This Change Notice transmits modifications to PPPM Chapter 451, Recognition and Incentive Awards Program. Based on revisions to Agency policy make the following pen and ink changes:

REMOVE

Entire Chapter 451 dated
NOV 2006, as amended
NOV 2008

INSERT

Chapter 451, dated JUN 2011

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.

A handwritten signature in black ink, appearing to read "Lawrence G. Romo".

Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL (PPPM)

CHAPTER 451

RECOGNITION AND INCENTIVE AWARDS PROGRAM

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PERSONNEL POLICIES AND PROCEDURES MANUAL (PPPM)

CHAPTER 451

RECOGNITION AND INCENTIVE AWARDS PROGRAM

1. LEGAL BASIS

Chapter 45 of Title 5 United States Code establishes the legal basis and authority for Agency award programs. Under this authority, the Office of Personnel Management (OPM) has prescribed regulations governing such authority issued in 5 CFR Part 451 and 531.

2. PURPOSE

The Selective Service System's (SSS) Recognition and Incentive Awards Program is designed to recognize and reward individual and team achievement which contributes to meeting organizational goals or improving the efficiency, effectiveness and economy of government operations. It also recognizes job performance and cost-saving ideas which benefit the Agency.

3. POLICY

It is Agency policy to recognize and reward employees on the basis of merit for suggestions, superior accomplishments, productivity gains, or other personal efforts that substantially exceed normal expectations resulting in improved efficiency and operations of the Agency. Specifically, the Agency may:

- Use awards as an integral part of supervision and management;
- Issue awards on the basis of performance as reflected in the employee's most recent rating of record;
- Recognize employee contributions to the Agency and the government in a timely manner in order to encourage outstanding performance;
- Give due weight to awards granted under this regulation in considering employees who meet the requirements for promotion; and
- Grant awards in recognition of contributions that are both significant and beyond the scope and achievement normally expected as part of the job.

The Agency will ensure that awards under this program are not used as a substitute for overtime pay, proper job classification, promotion, or any other purpose not compatible with this regulation.

4. **AWARD RESTRICTIONS**

Per Title 5, Code of Federal Regulations, the following award restrictions are in place:

- A. In accordance with 5 U.S.C. 4508, agencies shall not grant awards under this subpart during a Presidential election period to employees who are:
 - (1) In a Senior Executive Service position and not a career appointee as defined under 5 U.S.C. 3132(a)(4); or
 - (2) In an excepted service position of a confidential or policy-determining character (schedule C).
- B. In accordance with 5 U.S.C. 4509, agencies shall not grant cash awards under this subpart to employees appointed by the President with Senate confirmation who serve in:
 - (1) An Executive Schedule position, or
 - (2) A position for which pay is set in statute by reference to a section or level of the Executive Schedule.

5. **ELIGIBILITY**

Awards may be given to employees as defined by 5 U.S.C. 2105 and 4501. In addition, military personnel of the Selective Service System are eligible to receive cash awards and honorary recognition for a suggestion, invention, or scientific achievement. Uncompensated personnel may only receive honorary awards or certificates of appreciation. In accordance with 5 U.S. C. 4509, agencies shall not grant cash awards to employees who serve in Executive Schedule positions, or a position for which pay is set in statute by reference to a section or level of the Executive Schedule.

Personnel hired as contractors are not eligible to receive awards except that certificates of appreciation may be presented.

6. **AWARD DEFINITIONS**

A. **PERFORMANCE AWARDS**

Performance awards may include Individual Performance Cash Awards, Quality Step Increases (QSI) or time-off awards. Performance Awards may be used to recognize employees who have been rated Outstanding or Exceeds Successful on their annual performance appraisals and for individuals who have demonstrated the highest level of performance on a

project or activity that positively impacts the accomplishment of the Agency's mission. Performance Cash Awards may be awarded to General Schedule (GS) and Senior Executive Service (SES) employees.

B. HONORARY AWARDS

Honorary awards include the Certificate of Appreciation, Presidential Award, Distinguished Service Award (Gold), Exceptional Service Award (Silver), Meritorious Service Award (Bronze), and SSS Honorary Award. Honorary Awards may be granted to employees by the SSS Director and are presented in the form of a certificate, pin, medal, plaque, or other item.

C. CONTRIBUTION AWARDS

Contribution Awards (formerly called Special Act or Service Awards) may be awarded as an Individual or Group Award. These awards may be monetary or non-monetary and may be awarded for a contribution resulting in a tangible or intangible benefit, service and/or cost savings to the Agency.

D. SUGGESTION AWARDS

Suggestion Awards may be presented for suggestions made by an individual or a group or team that directly contribute to the economy or efficiency of operations or directly increases Agency effectiveness in carrying out its programs and missions.

E. OTHER AWARDS

Other awards include the Incentive Keying Award and the Employee of the Year/Quarter Award. These awards may be monetary or non-monetary and will be awarded as recognition for a particular job or project that was accomplished in an outstanding manner and/or exceeded required performance levels.

7. AUTHORITY AND RESPONSIBILITY

A. OFFICE OF THE DIRECTOR

The Director is responsible for and provides direction on the Agency's Awards Program.

The Director may pay a cash award as honorary recognition of an employee who by his or her suggestion, invention, superior accomplishment or other personal effort contributes to the improvement of Agency operations.

The Deputy Director may authorize a monetary or non-monetary award for the Employee of the Year award.

B. SUPPORT SERVICES DIRECTORATE (SPT)

SPT is responsible for the execution of the Agency's Awards Program as set forth by the Director.

SPT is responsible for coordinating with the Director for submission to the Office of Personnel Management (OPM) any award recommendation over \$10,000 as well as Presidential Awards, including monetary recognition beyond \$25,000.

The Human Resources Division (SPT/HR) has responsibility for technical review of all SSS awards to ensure conformance to policy and oversight of the incentive awards program.

C. SUPERVISORS AND MANAGERS

Supervisors and managers have the responsibility to actively participate in and support the awards program through prompt recognition of personnel. Supervisors will:

- (1) Use incentive awards as an integral part of supervision and management;
- (2) Assure that all subordinate personnel, including other supervisors, are recommended for awards in a timely manner. Supervisors will ensure that any action by an individual or group in connection with or related to official employment meets the criteria for awards described in this regulation prior to submitting the award recommendation;
- (3) Promptly evaluate, or refer for evaluation, any suggestion for improving operations;
- (4) Identify program or operational areas achieving superior results that warrant recognition and identify employees for special contributions to the Agency and recommending them for appropriate recognition;
- (5) Consider employee contributions for application throughout the Selective Service System; and
- (6) Ensure that awards are coordinated within a reasonable period of

time, not to exceed 30 days, after an action is completed or at least two weeks prior to the presentation of an honorary award, medal or other item.

8. **TYPES OF AWARDS**

A. **PERFORMANCE AWARDS**

Performance awards may be granted under the guidelines of this Chapter for General Schedule (GS) and Prevailing Rate employees. Performance award determinations are to be initiated by the appraising supervisor and forwarded to the appropriate reviewing official for approval. See Appendix B for SSS Form 452, Award Nomination Form.

(1) **Individual Cash Award.** This award is based on individual contribution and/or performance.

- a. **ELIGIBILITY:** Any GS employee may be nominated for this award by his/her supervisor.
- b. **CRITERIA:** This award is designed to recognize an individuals who has performed a task or accomplished a mission that significantly improves the efficiency, effectiveness or ability of the Agency to meet its mission or who has demonstrated superior performance of duty over time.
- c. **NOMINATION:** Nominations should typically be made by the employee's supervisor, who will complete SSS Form 452 along with a justification for the award and route it for approval.
- d. **APPROVAL:** The Director is the final approval authority for all cash awards, with the exception of the Spot Award described in paragraph 8.C.(1). and the Employee of the Year/Quarter Award described in paragraph 8.D.

(2) **Quality Step Increase (QSI).** A QSI is a faster than normal within grade increase and is an important pay-for-performance feature and a valuable tool for managers to use to recognize outstanding performance. As with all awards, managers must recognize the cost implications and match the award to the performance.

- a. **ELIGIBILITY:** GS employees who are currently paid below step 10 of their grade level are eligible for a QSI Award.

- b. **CRITERIA:** The employee must have received an Outstanding rating of record on their latest annual appraisal. Only one QSI may be awarded within the preceding year; a QSI may not be awarded in two consecutive appraisals years. The supervisor may recommend a QSI award associated with annual performance appraisals. This recommendation will be reviewed by the Deputy Director for the Director's approval.
 - c. **NOMINATION:** Nominations should be made by completing SSS Form 452 along with a justification for receiving the award.
 - d. **APPROVAL:** The Director is the final approval authority for all QSI awards.
- (3) Time-Off Award. This award is intended to increase Federal employees' productivity and creativity by rewarding them for their contributions to the quality, efficiency or economy of the government and to boost and sustain a high level of morale in the workplace. Recipients of this award will be granted an excused absence and will not be charged leave. Within certain limits, an Associate Director, Region Director or the Manager of the DMC is authorized to approve time-off awards for employees based on an individual act or performance.
- a. **ELIGIBILITY:** Any GS employee may be nominated by his or her supervisor for this award.
 - b. **CRITERIA:** The Time-Off Award may be granted in recognition of an individual or group superior accomplishment or other personal effort that significantly contributes to the quality, efficiency or economy of Government operations. In addition, a Time-Off award may be granted in recognition of superior accomplishment as reflected in an individual's most recent rating of record. Excused absences are not to exceed twenty-four (24) hours per instance or forty (40) hours per leave year. The Director must approve any award that exceeds these limits. Part-time employees are eligible to receive this award commensurate with their work schedules. Also, Time-Off leave must be used, with the supervisor's approval, within nine (9) months after the date the award is made.
 - c. **NOMINATION:** Nominations should typically be made by the employee's supervisor within three working days of, but no

later than 30 days after, the act or service on which an award is based. The supervisor will complete SSS Form 452 along with a justification for the award.

- d. APPROVAL: Associate Directors, Region Directors and the Manager of the DMC may approve up to twenty-four (24) hours per instance or forty (40) hours per leave year. Time-Off award recommendations associated with annual performance appraisals will be reviewed by the Deputy Director for the Director's approval.

B. HONORARY AWARDS

When appropriate, an Honorary Award may be granted in recognition of an employee's contribution. An Honorary Award may be granted independently of, or in addition to, a cash award; however, it may not be substituted for a deserved monetary award. Honorary Awards are intended to bestow a singular honor as an official recognition of achievement and as an incentive for further accomplishments. Types of Honorary Awards are as follows:

- (1) Certificate of Appreciation. Certificates of Appreciation provide a means for the Director to officially recognize outstanding performance, acts, or services in connection with the administration of the SSS by persons who may or may not be employees of the Agency.
 - a. ELIGIBILITY: Any person is eligible to receive a Certificate of Appreciation.
 - b. CRITERIA: Certificates of Appreciation recognize performance in connection with acts or services that improve the administration of the SSS.
 - c. NOMINATION: Nominations should be made by completing SSS Form 452 along with a justification for receiving the award. Recommendations for Certificates of Appreciation to be signed by the Director should be submitted to the appropriate reviewing official(s) for approval.
 - d. APPROVAL: The Director is the final approval authority.
- (2) Eagle Award. The Eagle Award is awarded by the Director to Agency employees or citizens who have made a substantial contribution to the Selective Service System.

- a. ELIGIBILITY: This award is presented at the discretion of the Director and is awarded to employees or other citizens.
 - b. CRITERIA: The Eagle Award is presented on the basis of substantial contributions to the Agency. This award may be presented by itself or in conjunction with some other form of recognition.
 - c. NOMINATION: Nominations should be made by completing SSS Form 452 along with a justification.
 - d. APPROVAL: The Director is the final approval authority.
- (3) Meritorious Service Award. The Meritorious Service Award includes a bronze medal bearing the Selective Service System seal accompanied by a citation certificate.
- a. ELIGIBILITY: This award serves as an honorary recognition for service and is awarded by the SSS Director to employees, reservists, former officers, former employees or other individuals who have distinguished themselves by meritorious service to the SSS.
 - b. CRITERIA: Performance of duties in an exemplary manner, such as: setting a record of individual achievement and inspiring others to improve their quality and quantity of work performance; demonstrating unusual initiative in devising new or improved work methods and procedures which have resulted in a substantial savings in manpower, time, space, materials and expenses; outstanding achievement in improving morale of employees in an organizational element, resulting in marked improvements in work performance; demonstrating unusual courage or competence in an emergency situation while performing assigned duties; or rendering of other outstanding performance related to official duties deemed by the SSS Director to warrant high honorary recognition.
 - c. NOMINATION: Nominations should be made by completing SSS Form 452 along with a justification. Nominations may be initiated by the supervisor of a military or civilian nominee with the concurrence of the Directorate Head, Region Director or Manager of the DMC and forwarded to the appropriate reviewing official for approval or disapproval.
 - d. APPROVAL: Region Directors are authorized to issue this

award for civilian and military personnel within their unit and for other individuals in their area of responsibility as deemed appropriate. All other honorary awards will be forwarded via the Deputy Director to the Director for approval.

- (4) Exceptional Service Award. The Exceptional Service Award includes a silver medal bearing the Selective Service System seal accompanied by a citation certificate. This award serves as the second highest recognition awarded by the SSS Director.
- a. ELIGIBILITY: The Exceptional Service Award may be awarded to SSS employees, former officers or employees, or other individuals who are not employees of the Selective Service System, who have distinguished themselves through exceptional service or contributions of major importance to mission responsibilities or the administration of the Selective Service System.
 - b. CRITERIA: Accomplishment of assigned duties in a manner that has been clearly exceptional, such as: developing or improving methods and procedures that have accomplished extraordinary results for the Agency; exhibition of great courage and/or voluntary risk of personal safety in the face of danger, above and beyond the call of duty; demonstrated exceptional support for Agency programs by an individual in a position of significant responsibility. Rendering of exceptional performance related to official duties deemed by the Director of Selective Service to warrant high recognition.
 - c. NOMINATION: Nominations should be made by completing SSS Form 452 along with a justification. Nomination for the award may be initiated by any supervisor.
 - d. APPROVAL: The Director is the final approval authority.
- (5) Distinguished Service Award. This award includes a gold medal bearing the Selective Service System seal accompanied by a citation certificate. This award serves as the highest recognition awarded by the Director of Selective Service.
- a. ELIGIBILITY: The Distinguished Service Award may be awarded to Selective Service System civilian and military employees, former officers or employees, or other individuals who are not employees of the Selective Service System. This award may be presented to those who have distinguished themselves through performance of unusually distinguished

service in, or contributions to, the administration of the Selective Service System over an extended period of time.

- b. **CRITERIA:** This award may be presented on a very selective basis for performance or contributions of major significance or meritorious nature which have a profound impact on the ability of the Agency to perform its mission. Recipients are often public officials serving in positions of significance at the highest levels of government or industry, or Agency employees who have made extraordinary contributions to SSS over many years.
- c. **NOMINATION:** Nominations should be made by completing SSS Form 452 along with a justification. Nominations for this award may be initiated by any supervisor of an officer or civilian employee within the SSS.
- d. **APPROVAL:** The Director is the final approval authority.

C. CONTRIBUTION AWARDS

These awards are designed to provide prompt recognition for specific acts, services, or contributions made by an individual or group. The award consists of a cash presentation and a certificate. This award is the former "Special Act or Service Award." See Appendix A to determine the appropriate amount of the award.

(1) Spot Award.

The Spot Award is designed to provide prompt recognition for specific acts, service, or contributions, even in cases where overall performance may not warrant special recognition.

- a. **ELIGIBILITY:** Any GS employee may be nominated by his or her supervisor for this award.
- b. **CRITERIA:** The award amount is a cash award of five hundred (\$500) dollars or less per instance, not to exceed one thousand (\$1000) dollars per year per person. The act or service must represent specific acts, service, or contributions that are not recognized as a part of regular day to day performance. The supervisor has determined that the act is of such quality, effect or responsiveness that public recognition is warranted.
- c. **NOMINATION:** Nominations should be made by completing

SSS Form 452 along with a justification. Because the nature of this award is designed to provide instant recognition, nominations should be submitted and acted upon by the employee's supervisor within three work days and not later than one week of the act or service on which the award is based.

- d. APPROVAL: The Deputy Director is authorized to approve these on-the-spot cash incentive award for an employee's outstanding act or performance. The Director must approve any award that exceeds the above limits.

(2) Individual / Group Cash Award.

- a. ELIGIBILITY: Any GS employee may be nominated for this award by his/her supervisor.
- b. CRITERIA: The award is presented to those employees who performed substantially beyond expectations on a specific assignment or job function. It may be presented for an act of heroism or similar one-time special act, service or achievement.
- c. NOMINATION: Nominations should be made by completing SSS Form 452 along with a justification. If presented as a group award, the recommendation should include the name, title, grade, organization, etc., for each member of the group. Additionally, if the group award is divided other than equally, the manner in which specific award amounts are determined should be documented. See Appendix A to determine the appropriate amount of the award.
- d. APPROVAL: The Director is the final approval authority..

(3) Individual / Group Suggestion or Invention Award. A suggestion is an idea submitted in writing by one or more employees which directly contributes to the economy or efficiency of operations, or directly increases effectiveness in carrying out Agency programs or missions. Full consideration should be given not only to the suggestion itself, but also to any related improvements which might result from further study. See Appendix A to determine the appropriate amount of the award.

- a. ELIGIBILITY: Ideas that deal with employee services, benefits, working conditions, routine safety practices or maintenance of the workspace, generally are not eligible for

consideration as suggestions, unless there is a definable benefit to the Government.

- b. **CRITERIA:** This award is presented based on a suggestion which may improve or simplify methods, procedures, operations, or the organization. It may be as complex as the creation of a new suggestion or invention, or it may be as simple as adding space to a form for additional information, or the rearrangement of information to make a form more useable. The award should be for a suggestion that has not yet been implemented or introduced previously. An employee cannot be nominated for this award if the suggestion or invention is already in place within the Agency.
- c. **NOMINATION:** Awards should be submitted using Form 452. The justification page should include a description of the present practice, the suggested change, and what benefits will be derived from implementing the change. The justification should also include any visual aid materials, forms or form titles, numbers or other specific information which will assist reviewing officials in analyzing the suggestion.

When a suggestion is adopted or recommended, the justification page on SSS Form 452 should include a comment as to how and when the suggestion will be implemented, an estimate of any associated cost savings or benefits and an explanation of intangible benefits, if any. SPT should be notified of the date the suggestion was adopted or implemented by the Agency. Additional verification may be requested to confirm the savings computation. The award must be certified by OPM if the suggested amount is higher than the level the Agency is authorized to approve. Should the suggestion be disapproved, the nominee may request reconsideration and reevaluation upon the presentation of new and/or additional information. Such requests should be resubmitted as a new suggestion. When a suggestion is disapproved, the employee's manager will provide notice of disapproval to the employee. A suggestion or idea which has been accepted by the Agency should be implemented as quickly as possible by the employee's manager or other approving authority. Each manager will be responsible for establishing control and follow-up procedures for all approved suggestions.

- d. **APPROVAL:** The Director is the final approval authority..

D. OTHER AWARDS

(1) Incentive Keying Program (IKP) Award (DMC Only).

The Incentive Keying Program (IKP) Award is designed to reward data entry operators at the Data Management Center (DMC) as an incentive to key error free work and reduce Agency costs associated with data verification.

- a. **ELIGIBILITY:** This award may be awarded to all Data Transcribers and Lead Data Transcribers at the Agency's Data Management Center.
- b. **CRITERIA:** Operators must maintain an outstanding error rate for each month in the specified period being measured. An outstanding rating is 0 - 3 errors per batch of 100 records (estimated at 10,000 characters). Operators must not have more than one instance of duplicate record errors in all keyed output during the specified period of measurement.

DMC Operators must maintain a fully successful or higher level of performance in the remaining elements of his/her performance standards for each month during the specified period of examination.

Operators must have no charges of Absence Without Leave or disciplinary actions during their specified period of measurement.

To qualify for the IKP award, operators must meet the criteria above for six (6) consecutive months. Every two (2) months following the initial qualification period, an operator may be eligible for an award if the specified criteria are maintained for a two month period. After initial qualification, routine verification of the operator's work is discontinued. Alternately, the supervisor will verify a random batch of the operator's work every other day to ensure that accuracy remains at an outstanding level. If the verified batch has more than three errors, the supervisor will key-verify two more batches that day (of which both batches must be at the outstanding level) to determine if the errors were an isolated incident or their accuracy level has dropped below an outstanding level.

If both of the additional batches are found to be at a level less than outstanding, the employee will be removed from the program until their accuracy returns to an outstanding level for three consecutive months.

If the employee attempts to re-qualify and fails, he or she will be allowed one additional attempt. If after two attempts to re-qualify, the employee cannot maintain an outstanding level in the error element of his or her standards, the initial qualification period of six months must be met again. Any period of time used to re-qualify for the award cannot be used toward re-qualifying for it again.

Note: An IKP Award amount is determined by dividing the operator's two month keystroke average by a fully successful keystroke average (13,250) of a GS-04 operator to determine a percentage of savings. The percentage of savings is multiplied by 3% of a GS-02 operator's salary to determine the amount of the cash award.

- c. NOMINATION: Nominations should be made by completing SSS Form 452 along with a justification. Once approved by the Manager of the DMC, the IKP award is forwarded to SPT/HR for processing.
- d. APPROVAL: The Manager of the DMC approves all IKP awards.

(2) Employee of the Year Award.

The Employee of the Year Award recognizes Agency employees for outstanding contributions to mission accomplishment during the past calendar year. This award will consist of either a five hundred (\$500) cash award to the recipient or a Time-Off Award for three (3) days as well as a plaque engraved "Employee of the Year." One employee from each of the following functional areas may be selected for the Employee Of The Year Award: National Headquarters (NHQ), Regions, and the Data Management Center (DMC).

- a. ELIGIBILITY: All non-supervisory employees are eligible to receive this award.
- b. CRITERIA: The nomination must show an achievement or other personal effort which exceeded job requirements either

on a continuing basis or as a one time occurrence. Examples include a project or assignment which involved overcoming unusual difficulties; performance of assigned duties with outstanding accomplishments; or, exemplary or courageous handling of an emergency situation related to official employment.

- c. **NOMINATION:** An Associate Director, Region Director or the Manager of the DMC may nominate an employee for the award. Nominations should be submitted to SPT using SSS Form 452 no later than November 30th of the calendar year. A justification should be included detailing the employee's accomplishments.
- d. **APPROVAL:** The Manager of the DMC will make the final selection for these awards.

(3) Employee of the Quarter Award. (DMC)

The Employee of the Quarter Award is designed to enhance morale and motivate employees. The award consists of a one hundred and fifty (\$150) dollar cash award, a plaque engraved "Employee of the Quarter," and the employee's picture posted in the DMC's reception area.

- a. **ELIGIBILITY:** All non-supervisory employees of the DMC are eligible for this award.
- b. **CRITERIA:** The nomination must show an achievement or other personal effort which exceeded job requirements on a continuing basis.
- c. **NOMINATION:** Nominations for this award should be made by the Division Managers at DMC using SSS Form 452. A justification should be submitted to the Manager of the DMC detailing the employee's accomplishments, effect of performance on operations, and contributions.

Nominations should be submitted no later than the 15th of January, April, July, and October for recognition of achievements in the prior quarter.

- d. **APPROVAL:** The Manager of the DMC will make the final selection for these awards.

(4) Public Servant Of The Year Award.

The Public Servant of the Year Award is given annually in conjunction with the observance of National Public Service Recognition Week, which is celebrated the first Monday through Sunday in May each year. It is designed to recognize, reward, and encourage good work habits and attitudes among employees of the Federal government with respect to their interaction with the public and/or their colleagues in the performance of their duties.

This award will consist of either a three hundred (\$300) dollar payment to the recipient or a Time-Off Award for two (2) days. This award is presented on an annual basis.

- a. ELIGIBILITY: Any SSS employee is eligible for this award.
- b. CRITERIA: Nominees shall be an employee who exemplifies the highest standards of public service and demonstrates, through their work products, attitude and interaction that they have embraced the ideals of public service.
- c. NOMINATION: Nominations should be made by completing SSS Form 452 along with a justification. The employee may be nominated by anyone in the Agency. Nominations should be routed through the individual's Associate Director, Region Director or the Manager of the DMC and routed to SPT/HR.
- d. APPROVAL: The Deputy Director will make the final selection for this award.

(5) Length of Service and Retirement Recognition Award.

Compensated civilian employees shall be eligible for length of service recognition with the United States Government upon the completion of the required years of service. All service which is credited for leave accrual purposes is allowable.

Length of service for all creditable Federal service shall be in the form of a certificate and lapel pin (men) or charm (women) for one of the following yearly intervals: 15, 20, 25, 30, 35, 40, 45 and 50 years of service.

All retirees are provided a certificate of service, signed by the Director, at retirement.

The Human Resources Division (SPT/HR) will prepare these awards for presentation by the Director.

(6) Presidential Rank Award.

Each year, the Federal government recognizes and celebrates a small group of career Senior Executives for the Presidential Rank Award. Recipients of this prestigious award must have demonstrated their ability to lead a government that delivers great service, fosters partnerships and community solutions to achieve results, and conscientiously acts to get the job done more effectively and efficiently.

There are two categories of awards, Distinguished Executives and Meritorious Executives. Award winners are chosen through a rigorous selection process by their agency heads, evaluated by boards of private citizens, and approved by the President.

Distinguished Executives receive a lump-sum payment of thirty-five (35) percent of their base pay, a gold pin, and a framed certificate signed by the President. Only one (1) percent of career SES members may receive this award.

The Meritorious Executive Award is given for long-term accomplishments. Only five (5) percent of career SES members may receive this award, which includes a lump-sum payment of twenty (20) percent of the executive's base pay, a silver pin, and a framed certificate signed by the President.

The percentage of career SES members who may receive each award is based on a government-wide SES population as of September 30th of the previous year.

APPENDIX A

SCALE FOR DETERMINING AWARD AMOUNTS

The following scales will be used in making decisions on award amounts for employee suggestions and awards based on their tangible and intangible benefit to the government.

A. TANGIBLE BENEFITS.

A cash award may be made when an employee's contribution results in the saving of money for the Government. The amount of such award shall normally be based on, but not necessarily limited to, the estimated net monetary savings for the first full year of operation following its adoption. The amount of award shall be determined in accordance with the following table, unless for special reasons the Director of Selective Service determines that a different amount is justified, in which case such reasons will be documented in support of the action taken. The minimum award for tangible benefits is \$25.00. The Director may grant a cash award up to a maximum award of \$10,000. A cash award above \$10,000 requires prior approval from the Office of Personnel Management.

CONTRIBUTION SCALE FOR TANGIBLE BENEFITS

<u>Estimated First year Benefit to Government</u>	<u>Amount of Awards</u>
Up to \$10,000	10% of Benefits
\$10,001 to \$100,000	\$1,000 for the first \$10,000 plus 3% of benefits over \$10,000
\$100,000 or more	\$3,700 for the first \$100,001 plus 0.5% of benefits over \$100,001

Higher awards than those provided in the above table may be authorized when the net first year savings do not provide an adequate basis for determining the cash award; when each individual's normal share of a group cash award would be inappropriate; or when other special reasons justify such action. In each case, there shall be appropriate justification in writing when an exception is made to the schedule of payments specified in the table.

Tangible savings which serve as a basis for an award must be fully documented. The net savings indicated shall be considered as the difference between the estimated gross savings, and the expense of putting the suggestion into operation or the loss incurred in discarding an operation which could continue to function except for the possibility of securing a more favorable convenience by adopting new ideas

B. INTANGIBLE BENEFITS.

A cash award may be made when an employee's contribution does not lend itself to appraisal on the basis of monetary savings, or results in combined monetary savings and intangible benefits. The minimum award for intangible benefits shall be \$25.00. The total amount of such awards shall be governed generally by the "Scale of Awards on Intangible Benefits Chart" below:

VALUE OR BENEFIT	LIMITED	EXTENDED	BROAD	GENERAL
	Affects functions, mission or personnel of one office, facility, installation, or an organizational element of National Headquarters. Or affects an important area of technology.	Affects functions, mission or personnel of several offices, facilities, or one installation.	Affects functions, mission or personnel of an entire region or command. May be applicable to entire Agency. Or, affects a broad area of technology	Affects functions, mission, or personnel of several regions or commands, or the entire Agency. Or, is in the public interest throughout the Nation or beyond.
Moderate Value- Change or modification of an operating principle or procedure which had moderate value sufficient to meet the minimum standard for a cash award; an improvement of rather limited value of a product, activity program, or service to the public	\$25-100	\$100-250	\$250-500	\$500-1,000
Substantial Value Substantial change or modification of an operating principle or procedure; an improvement to the value of a product, activity, program, or service to the public.	\$100-250	\$250-500	\$500-1,000	\$1,000-2,000

High Value- Complete revision of a basic principle or procedure; a highly significant improvement to the value of a product, major activity, or program or service to the public	\$250-500	\$500-1,000	\$1,000-2,000	\$2,500-5,000
Exceptional Value Initiation of a new principle or major procedure; a superior improvement to the quality of a critical product, activity, program, or service to the public.	\$500-1,000	\$1,000-2,500	\$2,500-5,000	\$5,000-10,000

C. EQUIVALENT COMPARISON OF AWARDS.

The following general guidance may be used when determining the "value" to an individual of an award. Supervisors should recognize that a time-off award presented to an employee with a large number of use or lose annual leave hours is no award at all. These equivalents are "rough" estimates only.

Equivalents

2 percent of Base Pay = 40 hours time-off award = Quality Step Increase (QSI)

1 percent of Base Pay = 20 hours time-off award

APPENDIX B

AWARD NOMINATION FORM

SSS-452



SSS AWARD NOMINATION FORM

IDENTIFICATION OF NOMINEE

EMPLOYEE NAME (Last, First, MI):		SOCIAL SECURITY NO.:
OFFICIAL POSITION TITLE:		GRADE:
DIRECTORATE:	ORGANIZATION LOCATION (Department, Division, Branch, etc):	

TYPE OF AWARD

<input type="checkbox"/> PERFORMANCE AWARD <input type="checkbox"/> Individual Cash Award <input type="checkbox"/> Quality Step Increase (QSI) <input type="checkbox"/> Rating Award (Specify) _____
<input type="checkbox"/> HONORARY AWARD <input type="checkbox"/> Certificate of Appreciation <input type="checkbox"/> Exceptional Service Award (Silver) <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Eagle Award <input type="checkbox"/> Distinguished Service Award (Gold) <input type="checkbox"/> Meritorious Service Award (Bronze) <input type="checkbox"/> Presidential Rank Award <input type="checkbox"/> Received Previous Honorary Award (Specify Type) _____
<input type="checkbox"/> CONTRIBUTION AWARDS (such as for Special Act or Service) <input type="checkbox"/> Individual/Group Award <input type="checkbox"/> Suggestion Award <input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> OTHER AWARDS <input type="checkbox"/> Time Off Award <input type="checkbox"/> Incentive Keying Award <input type="checkbox"/> Spot Award <input type="checkbox"/> Other (Specify) _____

BENEFIT

<input type="checkbox"/> Tangible	<input type="checkbox"/> Intangible	Value of Benefit (Specify High, Moderate, etc.) _____
-----------------------------------	-------------------------------------	---

AWARD AMOUNT

\$ _____ OR % _____

CATEGORY OF AWARD

<input type="checkbox"/> Individual	<input type="checkbox"/> Group
-------------------------------------	--------------------------------

RATING OF RECORD

<input type="checkbox"/> Outstanding	<input type="checkbox"/> Exceeds Successful
<input type="checkbox"/> Fully Successful	<input type="checkbox"/> Other _____

FROM:

DATE(S) OF ACHIEVEMENT

TO:

REVIEW AND APPROVAL

Type Name and Title	Signature and Date	Amount
Nominating Official:		
Reviewer Official:		
Technical Review		
Budget Authorization (EM):		
Approving Official:		

SSS AWARD NOMINATION FORM

AWARD JUSTIFICATION

Employee:



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: August 01, 2016

NUMBER: 84

This Change Notice transmits modifications to Personnel Policies & Procedures Manual, Chapter 432 – Performance-Based Actions. The following amendments are made:

REMOVE

INSERT

1. Entire Chapter 432 dated September 1999 Chapter 432 dated July 2016
2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner

Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICY AND PROCEDURES MANUAL

CHAPTER 432

PERFORMANCE BASED ACTIONS

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PERSONNEL POLICY AND PROCEDURES MANUAL
CHAPTER 432
PERFORMANCE BASED ACTIONS

1. INTRODUCTION

A. PURPOSE

The purpose of the chapter is to establish the Selective Service System (SSS) policy on reduction in grade or removal actions based solely on unacceptable performance for General Schedule (GS) employees in the critical element(s) of their positions. This chapter, together with PPM chapters 430, and 451, and related Headquarters Orders and Directives, comprise the SSS Performance Management Plan for covered civilian employees, as defined in paragraph 2 below.

B. AUTHORITY

This policy is authorized by 5 U.S.C. 4302a, 4303, and 4305, with implementing regulations found in 5 C.F.R. Parts 430 and 432.

2. COVERAGE AND EXCEPTIONS

A. COVERAGE

This chapter applies to employees in the General Schedule (GS), including those previously covered by the Performance Management and Recognition System, designated "GM," and Wage Grade (WG) employees. This chapter covers actions of reduction in grade and removal based solely on performance.

B. EXCEPTIONS

(1) This chapter does not apply to:

- (a) Reduction in grade of a supervisor or manager who has not completed the probationary period, if such a reduction is based on supervisory or managerial performance and the reduction is to the grade held immediately before becoming a supervisor or manager;
- (b) Reduction in grade or removal of an employee in the competitive services who is serving a probationary or trial period under an initial appointment;

- (c) Reduction in grade or removal of an employee in the competitive service serving in an appointment that requires no probationary or trial period, and who has not completed one year of current continuous employment in the same or similar position under other than a temporary appointment limited to one year or less;
 - (d) Reduction in grade or removal of an employee in the excepted service who has not completed 1 year of current continuous employment in the same or similar position;
 - (e) Actions imposed by the Merit Systems Protection Board (MSPB);
 - (f) Removal from the Senior Executive Service (SES) to a civil service position outside the SES under 5 C.F.R. Part 359;
 - (g) Reduction-in-force actions;
 - (h) Voluntary actions by the employee;
 - (i) Performance based actions taken under PPPM chapter 752;
 - (j) Actions that terminates a temporary or term promotion and returns the employee to the position from which temporarily promoted, or to a different position of equivalent grade and pay;
 - (k) Termination in accordance with terms specified as conditions of employment at the time the appointment was made; and,
 - (l) Involuntary retirement because of disability.
- (2) This chapter does not apply to employees:
- (a) In the competitive service serving a probationary or trial period under an initial appointment;
 - (b) In the competitive service serving in an appointment that requires no probationary or trial period, who have not completed one (1) year of current continuous employment in the same or similar position under other than a temporary appointment limited to one (1) year or less;

- (c) In the excepted service who have not completed one (1) year of current continuous employment in the same or similar position;
- (d) In the Senior Executive Service;
- (e) In Presidential appointment positions;
- (f) In Schedule C positions;
- (g) In positions as reemployed annuitants;
- (h) In excepted service positions for which employment is not reasonably expected to exceed 120 calendar days in a consecutive 12 month period;
- (i) In manager or supervisor positions who are returned to previously held grades; and,
- (j) In uncompensated positions.

3. **DEFINITIONS**

- A. "Acceptable performance" is performance that meets an employee's performance requirement(s) or standard(s) at a level of performance above "unacceptable" in the critical element(s) at issue. In the SSS performance management system, "acceptable performance" is the minimally satisfactory level.
- B. "Critical element" is a component of a position consisting of one or more duties and responsibilities that contribute toward accomplishing organizational goals and objectives. The "Critical element" component is of such importance that unacceptable performance in the element would result in unacceptable performance for the position. All critical elements must: (1) be measurable and (2) define the full performance standard. These are documented on SSS Form 401A. (See PPPM chapter 430).
- C. "Current continuous employment" means a period of employment or service immediately preceding a performance based action in the same or similar positions without a break in Federal civilian employment.
- D. "Deciding Official" is the official in the organization who issues a notice of final action based on unacceptable performance. The Deciding Official is generally the Senior Staff member managing the organization or an official at a higher level than the proposing official.

- E. "Proposing official" is the official in the organization who proposes action based on unacceptable performance. This official is generally the employee's immediate supervisor, unless circumstances warrant the next higher supervisor serving as the proposing official.
- F. "Reasonable Opportunity Period (ROP)" or "Opportunity to demonstrate acceptable performance" is a reasonable period (i.e., 60-90 days) for an employee with unacceptable performance in one or more critical elements to demonstrate acceptable performance.
- G. "Reduction in grade" is involuntary assignment of an employee to a position at a lower classification or job grading level, than the one currently held.
- H. "Removal" is the involuntary separation of an employee from employment with an agency.
- I. "Similar position" is a position in which the duties performed are similar in nature and character and require substantially the same or similar qualifications, such that the incumbent could be interchanged without significant training or undue interruption to the work.
- J. "Unacceptable performance" is employee performance that fails to meet established performance standards in one or more critical elements or work/performance objectives of the position.

4. **IDENTIFICATION OF UNACCEPTABLE PERFORMANCE**

A. **PROCESS**

Performance management is a process of ongoing interaction between the supervisor and employee. When a performance problem is noted in one or more critical elements or work/performance, the supervisor should promptly address the problem(s) and not wait until the rating period ends. Problem resolution may include: discussion and clarification of performance standards or objectives; written instructions; written analysis of work products identifying deficiencies and ways to improve; counseling sessions; and training. Upon identifying a performance issue, the supervisor should inform the supervisory chain, including the organization's Senior Staff member. Management should also consult with the Human Resources Officer (HRO) and/or assigned Human Resources (HR) staff.

B. DOCUMENTATION

To address performance problems and begin a formal ROP, supervisors must have monitored the problem(s) and documented efforts to assist the employee for at least 30 days. Documentation should include written instructions; written analysis of unacceptable work products; examples of unacceptable work performance and failure to meet one or more critical element(s) or performance standard(s); and, memorandums documenting discussions, counseling sessions or other efforts by the supervisor to assist the employee in improving performance. All efforts and documentation must relate to specific, established performance standards and the employee's failure to meet such standards.

C. REPRESENTATION DURING PERFORMANCE COUNSELING

Counseling is a critical and integral part of performance management. Counseling meetings to discuss performance problems are not disciplinary or investigatory in nature. Therefore, the employee does not have a right to a representative at such meetings.

5. MANAGEMENT OF UNACCEPTABLE PERFORMANCE

If an employee's performance does not show improvement to the minimally satisfactory level following monitoring and counseling in paragraph 4 above, the supervisor should consult with higher management and HR staff to determine if a ROP is appropriate. An ROP must be a minimum of 60 days. The supervisory chain must work with the employee and HR staff to create a realistic ROP plan with specific goals and measures relative to the duties of the position.

To begin an ROP, the immediate supervisor must provide the employee written notification of unacceptable performance that details each critical element with unacceptable performance. For each critical element, the supervisor's letter must include the acceptable performance standard with examples, as well as all related measures with examples required to attain the acceptable performance. The supervisor will also inform the employee that performance in the critical element(s) must improve and be sustained at an acceptable level by the end of the ROP, and for a period of 12 months from the start date of the ROP. If an acceptable level of performance is not attained the employee may be reduced in grade or removed.

During the ROP, the supervisor will continue to provide assistance and ensure the employee is aware of resources offered by the Employee Assistance Program (EAP), including requests for accommodation and ROP training, either on-the-job or outside the workplace. Written notice for a formal ROP is prepared using Appendix A – Notice of Opportunity to Improve Performance.

6. **ACTION IF PERFORMANCE IMPROVES**

A. **ACCEPTABLE PERFORMANCE**

If the employee achieves acceptable performance by the end of the ROP period, a letter (see Appendix B – Memorandum of Improved Performance) is issued informing the employee of this fact. The employee must continue to maintain acceptable performance for one year following issuance of the ROP letter. If the employee's performance becomes unacceptable in a critical element covered by the ROP period, the employee may be removed or reduced in grade without an additional opportunity to improve.

B. **ACCEPTABLE FOR ONE YEAR, THEN UNACCEPTABLE**

If the employee's performance is acceptable for one year from the start of the ROP, then becomes unacceptable, the supervisor may give the employee an additional opportunity to demonstrate acceptable performance before initiating action for a reduction-in-grade or removal under this chapter.

C. **UNACCEPTABLE ON A DIFFERENT CRITICAL ELEMENT**

If the employee attains acceptable performance during the ROP, and falls below acceptable on a different critical element(s), a ROP for the different element(s) may be provided.

7. **OPTIONS IF PERFORMANCE FAILS TO IMPROVE**

If the employee fails to achieve acceptable performance during the ROP, the supervisor and higher management, in consultation with HR staff, should consider appropriate action. Options are:

A. **EXTEND ROP**

At the supervisor's discretion, the ROP may be extended 30 days, especially if there is insufficient data to make a decision. A change in supervisors does not generally require an extension, abeyance, or ROP change. However, the new supervisor must be able to evaluate the employee's work and provide assistance in performance improvement.

B. **REASSIGNMENT**

Reassignment to another position may be considered when an employee who accepted a lateral reassignment to a new position encounters performance problems in the new position. A reassignment to

the former position or a similar position may be considered as an alternative to proposing an action based on unacceptable performance.

C. VOLUNTARY REDUCTION IN GRADE OR REASSIGNMENT

If an employee acknowledges an inability or an unwillingness to fulfill the responsibilities of the current position, consideration may be given to voluntary reduction in grade or reassignment if: a position is available; the person is qualified for the position; and, if SSS anticipates the employee will be able to perform satisfactorily.

D. REDUCTION IN GRADE OR REMOVAL

If after using or considering the options in a. through c. above, it is determined that other options are not appropriate, the supervisor may propose reduction-in-grade or removal, in accordance with procedures in paragraph 8. A. below.

8. PROCEDURES FOR ACTION BASED ON UNACCEPTABLE PERFORMANCE

A. ADVANCE NOTICE

An employee whose reduction-in-grade or removal is proposed under this chapter is entitled to an advance notice of 30 calendar days. The 30 days begins on the day after the notice is delivered and ends on the last day of the notice period. The notice will identify specific instances of unacceptable performance by the employee as the basis for the proposed action and the critical element(s) of the employee's position involved for each instance of unacceptable performance. This notice will be prepared and delivered in accordance with Appendix C.

B. EXTENSION

SSS may extend the advance notice period for a period of 30 calendar days. It may further extend the notice period for any of the following reasons:

- (1) To obtain and/or evaluate medical information when the employee has raised a medical issue in response to a proposed reduction-in grade or removal;
- (2) To arrange for the employee's travel to make an oral reply to an appropriate SSS official, or the travel of an SSS official to hear the employee's oral reply;
- (3) To consider the employee's answer, if an extension to the period

for an answer has been granted;

- (4) To consider reasonable accommodation of a condition;
- (5) To determine if the SSS has another position to which the employee might be reassigned and/or reduced in grade; or,
- (6) To comply with a stay ordered by the Merit Systems Protection Board (MSPB).

C. OPPORTUNITY TO ANSWER

The employee will be given not less than seven (7) calendar days to reply to the supervisor's notice of proposed action orally and/or in writing. Procedures for reply are discussed in section 8.E.

D. REPRESENTATION

The employee is allowed representation by an attorney or other representative. SSS may disallow an employee's representative if: an individual's activities as a representative would cause a conflict of interest; whose release from his or her official position would give rise to unreasonable costs to the SSS; or, whose primary work assignment precludes release from official duties.

E. PROCEDURES FOR REPLY

- (1) The employee's written or oral reply may include issues, facts, or considerations the employee believes may influence the decision or cause the penalty to be reduced. No attempt should be made to restrict the answer solely to the reasons contained in the notice proposing the action.
- (2) If the employee elects to make an oral reply, the deciding official should hear the reply, except when the employee and deciding official are assigned to different duty stations or the deciding official is unavailable. If the deciding official is unable to hear the oral reply, another management official may be designated to hear the oral reply and recommend a final decision. When the employee and the deciding official are located at different duty stations, the deciding official or a designee may go to the employee's duty station to hear the reply. Employees and their representatives are not entitled to travel expenses to make an oral reply.
- (3) The oral reply is not a formal hearing. The management official hearing the employee's reply is under no obligation to call or

examine witnesses. While the employee may present statements or affidavits, the employee is not permitted to call and examine witnesses. However, the management official hearing the oral reply may seek clarification from the employee of any statements made in the oral or written reply. The individual hearing the employee's reply may also ask another management official to be present during the meeting with the employee and/or the employee's representative.

- (4) The official hearing the employee's oral reply must either prepare an accurate written summary of the employee's oral reply, or arrange for a verbatim transcript to be made of the employee's oral reply. Before a decision is issued, the employee and/or the employee's representative must be given a copy of the written summary or transcript and be allowed a reasonable amount of time to comment on any statements in the summary or transcript. Normally (7) seven calendar days should be sufficient time for the employee (or the employee's representative) to review the summary or transcript and comment.

F. CONSIDERATION OF MEDICAL CONDITIONS

The supervisor will allow an employee to present a medical condition which may have contributed to unacceptable performance to furnish appropriate medical documentation. Whenever possible, the employee will supply this documentation following the notification of unacceptable performance. If the employee offers documentation after the proposed notice to reduce the employee in grade or removal, the information must be supplied according to the time limits established during the opportunity to answer in 8.c. In considering documentation submitted in connection with the employee's claim of medical condition, the supervisor may require or offer a medical examination in accordance with 5 C.F.R. Part 339.

G. FINAL DECISION

The Selective Service System deciding official will make a final decision 30 calendar days after expiration of the advance notice period. Before rendering a final decision, the deciding official must take the following steps:

- (1) Consider the employee's oral and/or written reply.
- (2) Determine whether the reasons for the proposed action are valid, by reviewing all material presented in support of the action. Should the review process raise any questions about the validity of material of record, the deciding official has the right to seek clarification from

the proposing official, the employee, or any other individual. Any additional information obtained that influences the deciding official in making a decision must be placed in the file and made available to the employee. The employee (or representative, if designated) must be allowed an opportunity to respond to this additional information.

- (3) Determine if the proposed action is appropriate. Regulations provide for the reassignment, reduction-in-grade, or removal of employee for unacceptable performance. Factors for the deciding official to consider when determining whether the proposed action is appropriate include, but are not limited to the following:
 - (a) Has the employee demonstrated fully successful performance in any other position?
 - (b) Has the employee demonstrated the potential to perform acceptably in another position?
 - (c) Is there an available position (at the same or lower grade) in which the employee could reasonably be expected to perform at the fully successful level?
- (4) Sustain, cancel or modify the proposed action. If the deciding official determines that the unacceptable performance determination is not valid or that the action is inappropriate, the proposed action can be cancelled or modified.

H. WRITTEN NOTICE OF FINAL DECISION

When an employee has been given a notice based on unacceptable performance, the receiving official must give the employee a written decision, either sustaining, modifying or cancelling the proposed action. The notice is prepared using Appendix D and issued before the effective date of the action. If the proposing and deciding official is the same person, concurrence of a higher level employee is required on the final decision, except where the proposing official is the SSS Director.

9. APPEAL AND GRIEVANCE RIGHTS

A. APPEAL RIGHTS

An employee who has been removed or reduced in grade under this chapter may appeal to the Merit Service Protection Board (MSPB), if the employee is:

- (1) In the competitive service and has completed a probationary or trial period;
- (2) In the competitive service serving in an appointment which is not subject to a probationary or trial period, and has completed one year of current continuous employment in the same or similar position under other than a temporary appointment limited to one year or less; or,
- (3) A non-preference eligible in the excepted service who has completed two (2) years of current continuous employment in the same or similar position(s), in an Executive agency under other than a temporary appointment limited to two (2) years or less and who is not excluded by 5 U.S.C. 7511.

B. GRIEVANCE RIGHTS-BARGAINING UNIT EMPLOYEES

A bargaining unit employee who has been removed or reduced in grade under this chapter may file a grievance under an applicable negotiated grievance procedure (union contract) if the removal or reduction in grade action falls within its coverage and the employee is:

- (1) In the competitive service and has completed a probationary or trial period.
- (2) In the competitive service serving in an appointment which is not subject to a probationary or trial period, and has completed one year of current continuous employment in the same or similar position under other than a temporary appointment limited to one year or less; or,
- (3) A preference eligible in the excepted service who has completed one (1) year of current continuous employment in the same or similar position(s), or
- (4) A non-preference eligible in the excepted service who has completed two (2) years of continuous employment in the same or similar position(s) in an Executive agency under other than a temporary appointment limited to 2 years or less and who is not excluded by 5 U.S.C. 7511.

10. EFFECT ON WITHIN-GRADE INCREASES

While a supervisor is documenting an employee's unacceptable performance, the employee may become eligible for a within grade increase. In such cases, action must be taken to deny the within grade increase utilizing procedures in 5 C.F.R

11. AGENCY RECORDS

- A. All relevant documentation concerning a reduction in grade or removal based on unacceptable performance must be maintained in the employee's performance file and will be available for review by the affected employee and/or his or her representative. At a minimum, the file will consist of the employee's performance elements and standards or objectives; a copy of the notice of proposed action; the employee's written reply; a summary of the employee's oral reply; the written notice of decision and the reasons thereof; and, supporting material, including documentation regarding the ROP or PIP afforded the employee to demonstrate acceptable performance, memorandums, written instructions and other relevant documentation gathered before and during the ROP. The documentation will be of sufficient detail and specificity to withstand third party (such as MSPB) review.
- B. If action is taken under this chapter, records must be retained for four (4) years after the effective date of the action; or, if the action is appealed, for four (4) years after the case is closed.
- C. If the employee's improves to acceptable performance during the advance notice period no action is taken. If the performance continues to be acceptable for one year from the date of the advance written notice, any record of the unacceptable performance for which action was proposed shall be removed from SSS records and destroyed at the end of the one year period.

APPENDIX A

NOTICE OF OPPORTUNITY TO IMPROVE PERFORMANCE

MEMORANDUM FOR

SUBJECT: Notice of Opportunity to Improve Performance

This memorandum confirms our discussion(s) on (insert dates) during which I informed you that your performance has become unacceptable in one or more critical elements of your position. Your performance elements and standards were discussed with you on (insert dates), in accordance with Personnel Policies and Procedures Manual chapter 430 and you were given a copy. Another copy of the elements and standards is attached.

(In this space summarize the performance history and identify specific elements and standards in which the employee is deficient. Discuss steps already taken to assist the employee in improvement.)

Your performance has not improved to the minimally satisfactory level. Critical element (s) in which your performance is unacceptable are discussed below.

Critical Element: (Fill in title copied exactly from SSS Form 401A or from managers/supervisors appraisal form)

Standard at Minimally Satisfactory: (Copied exactly from SSS Form 401A or from managers/supervisors appraisal form)

You are failing to meet this standard because:

Note: Discuss fully and completely the unacceptable performance.
Points to be covered are listed below.

1. Representative examples of unacceptable performance which are concise, direct and easy to understand, with enough specificity so that the employee has sufficient information to know what the performance deficiencies are. This could include information on what the employee did (or did not do) with reference to specific dates, places, cases, etc., and what the employee should have done.
2. Discussions of counseling, unacceptable work products, written instructions, critiques of work or performance, memorandums documenting discussions, and other verbal communications. Attach copies of all documents referenced.
3. Discussion of the consequences of continued unacceptable performance with analysis of its negative impact on the mission accomplishment of the office and the Selective Service System.

In order to improve to the level of minimally satisfactory, you must do the following.

Note: This should include such things as

1. How time would be best spent;
2. Suggested sources of assistance or information;
3. Ways or techniques of performing work; or,
4. Formal or informal training planned. Describe what supervisory assistance and support management will provide for the employee during the opportunity improvement period. This should include any specific work reviews and/or counseling sessions planned, or other active assistance planned on work techniques, time management, technical issues, or training to be provided.

Repeat this narrative for each element in which unacceptable performance is observed.

To attain a minimally satisfactory level of performance, you must meet the standards established for your position and improve in critical elements described above. A minimally satisfactory level of performance is the minimum level for retention in your position and for your continued contribution to the Selective Service System mission and the efficiency of the service.

In accordance with Personnel Policies and Procedures Manual chapter 432, beginning on the date you receive this letter, you will be given (insert number ≥ 60) calendar days during which you will have the opportunity to demonstrate you can perform your critical elements at the minimally satisfactory level.

Your failure to improve to at least a minimally satisfactory level by the conclusion of the (insert same number ≥ 60 from prior paragraph) calendar days will result either in a reassignment to another position or in a proposal to reduce you in grade or remove you from your position with the Selective Service System. I will be monitoring your performance closely during the period and at the end of the period. I will evaluate your work and make a determination whether your performance during the period has reached the level required for retention in your position. You will be informed in writing soon thereafter what further action, if any, is to be taken. In addition, you must maintain the minimally satisfactory level of performance for one year from the beginning of the improvement period. If the minimally satisfactory level is not maintained for these critical elements for one year, you may be reduced in grade, or removed, without additional opportunity to improve.

If you would like the Selective Service System to consider any medical condition which you believe has contributed to your performance problem, please contact (staff

member of EAP). You will be provided with information concerning medical documentation requirements.

If you have any questions on this matter, feel free to contact me. . I am available to answer your questions and to assist you in improving your performance during this period. If you feel it may be helpful, the Employee Assistance Program (EAP) is available, as is the Human Resources staff.

(Name and Title of Supervisor)

Attachments

Employee Acknowledgement of Receipt

I acknowledge receipt of this letter dated (insert date):

Employee's Signature _____ Date _____

Witness Signature _____ Date _____

Note: This memorandum must have the concurrence of the senior staff member who manages the organization in which the employee works, HRO, and the Associate Director for Financial Management.

APPENDIX B

MEMORANDUM OF IMPROVED PERFORMANCE

MEMORANDUM FOR

SUBJECT: Notice of Improved Performance

In a conversation on (insert date), confirmed in a letter dated (insert date), I informed you that your performance was unacceptable in the following critical element(s) (or work/performance objective(s)) :

CRITICAL ELEMENT

_____(Title of Critical Element) CRITICAL ELEMENT

_____(Follow the same format for each critical element referred to in Appendix A of this chapter)

You were also informed that you would be given an opportunity to demonstrate improved performance with respect to the above specified critical elements that I would be evaluating your performance during that period. Based on my evaluation of your performance in those critical elements, I am pleased to inform you that your performance has reached the level required for retention in your position. Accordingly, no further action will be taken at this time to remove you or to reduce you in grade for your unacceptable performance.

Your performance must continue to be acceptable. In accordance with Personnel Policies and Procedures Manual chapter 430, if your performance in the above critical element(s) again becomes unacceptable before (insert calendar date that is one year after the date on which the initial opportunity period began), I may recommend your removal or reduction in grade without affording you an additional opportunity to improve your performance. I, therefore, encourage you to continue your improvement efforts.

If performance is minimally satisfactory state: "At the present time, your performance, while not unacceptable, is only minimally satisfactory. I will continue to provide you with assistance aimed at improving your performance to a fully successful level. Failure to improve your performance to that level will result in the denial of any future within-grade increase for which you may become eligible."

Should you have questions, please contact me. I am available to assist you.

(Name and Title of supervisor)

Employee Acknowledgement of Receipt

I acknowledge receipt of this letter dated (insert date):

Employee's Signature _____ Date _____

Witness Signature _____ Date _____

APPENDIX C

NOTICE OF PROPOSED ACTION

UNACCEPTABLE PERFORMANCE

MEMORANDUM FOR

SUBJECT: Notice of Proposed Removal OR Reduction in Grade

In a conversation on (insert date), confirmed in a letter of (insert date), I informed you OR you were informed by your supervisor, that your performance was unacceptable in certain critical element(s). You were also informed that you would be given an opportunity to improve your performance with respect to those critical element(s) to at least a minimally satisfactory level. You have failed to perform at the minimum level required for retention in your position as demonstrated by the instances of unacceptable OR below target performance cited below which occurred during and prior to that period.

Therefore, this is a notice of proposed action issued in accordance with 5 C.F.R. Part 432 and Selective Service System Personnel Policies and Procedures Manual (PPPM) chapter 432. I propose to remove you from your position as (fill in the title, series, grade, step, and organization of the position) OR, reduce you in grade from (title, series, grade, and step) to (title series, grade, and step) no earlier than thirty (30) calendar days from the date you receive this letter. The 30 days begins with the date following the date you receive this letter.

This proposed action is based on the following:

Discuss fully the performance history referencing elements and requirements during the notice of opportunity to improve an evaluation of performance during the opportunity period. Attach all documents referenced. Discuss specifically each critical element in which performance is deficient; give specific instances of deficient performance in each element.

You have a right to review the material relied on to support the reasons in this notice and may request it from me.

You have the right to reply both orally and in writing and to furnish affidavits and evidence in support of your answer. Your written and/or oral reply must be received by me within fifteen (15) calendar days beginning with the day after your receipt of this letter. Any written reply or request for an oral reply should be addressed to the Deciding Official (fill in name, title and address). Should you desire to make an oral reply, you must request it within seven (7) calendar days from your receipt of this letter by contacting (name of Deciding Official). If you are in a duty status, you have a right to a reasonable amount of official time to review the material relied upon in this matter and to prepare an answer. In addition, you will be allowed official time to make an oral reply if you choose to do so. You should arrange with me for any use of official time, and to

APPENDIX C

NOTICE OF PROPOSED ACTION

UNACCEPTABLE PERFORMANCE

review material.

You also have the right to be represented by an attorney or other representative. If you choose a representative, please notify me the name and address, in writing, within five (5) calendar days of the day after you receive of this notice. The Selective Service System may disallow a representative whose representation could cause a conflict of interest: whose release from duty would conflict with priority work assignments; or who's representing you would cause unreasonable costs to the Selective Service System.

If you wish the agency to consider any medical condition which you believe has contributed to your performance problem, please contact the Human Resources Officer. You will be provided with information concerning medical documentation requirements. You may also contact the Human Resources Officer for further explanation if you do not fully understand the reasons for this proposed action.

A final decision will not be made in this matter until the expiration of the 30 day advance notice period. Any replies you submit will be given full consideration. You will be notified in writing of the final decision. You will be retained in a work status during the advance notice period. (For those in non-work status, state: "You will remain in a non-duty status during the advance notice period unless workload requirements necessitate recalling you to duty.")

(Name and title of Proposing Official)

Employee Acknowledgement of Receipt

I acknowledge receipt of this letter dated (insert date):

Employee's Signature _____ Date _____

Witness Signature _____ Date _____

Note: The memorandum should be signed by the supervisor or second level supervisor and concurred in by all higher level supervisors including the senior staff member who manages the organization, HRO, and the Associate Director for Financial Management. The Proposing Official should personally deliver the notice to the employee in the presence of a witness. The employee should be asked to sign and date a copy, acknowledging receipt. If the employee refuses to sign, the proposing official should so note on the copy and ask the witness to sign. If the employee is not on duty, copies of the letter should be sent certified mail, return receipt requested and by regular, first

class mail. Copies should be delivered and mailed to the representative, if one has been designated, in the same manner. For bargaining unit employees, a copy should be provided to the Union or other notification procedure followed as specified in the labor management agreement.

APPENDIX D

NOTICE OF FINAL DECISION

UNACCEPTABLE PERFORMANCE

MEMORANDUM FOR

SUBJECT: Final Decision

In a memorandum dated (insert date), (name, title of proposing official) proposed to remove you from your position as (title, series, grade and step) with the Selective Service System (or, reduce you in grade from to) in accordance with 5 CFR, Part 432, and Personnel Policies and Procedures Manual (PPPM) chapter 432. I have carefully considered all material of record relating to this action. This material includes the following.

List all materials reviewed, i.e., documentation before and during the opportunity period; the proposal memorandum and all attachments; and any oral or written reply made by the employee. If the employee did not respond, so state. Any instances cited can be no more than one year earlier than the date of this memorandum. Rely heavily on performance during the opportunity improvement period.

Provide a detailed analysis of the decision on each critical element and whether it is sustained, not sustained or modified. Address the employee's reply in every case]

If any medical documentation was furnished by the employee, discuss its effect, or lack thereof, on this action.

Provide an analysis of whether the proposed action is appropriate. Discuss why a lesser action is not appropriate.

The sustained unacceptable performance cited above warrants your removal (or reduction in grade). It is my decision to remove you from your position of (title, series, grade, step, and organization of the position) effective (insert date) OR reduce you in grade from your position of (title, series, grade, step and organization) to (title, series, grade step and organization). (If the proposed action is being mitigated from a removal to a reduction in grade state: Although I have concluded that you are performing in an unacceptable manner in your position, I have decided to reduce you in grade from ____ to effective (insert date), rather than remove you from your position.)

You have the right to appeal the procedures and merits of this action to the Merit Systems Protection Board, (MSPB), at the following address: (provide address of appropriate MSPB regional office). A copy of the MSPB regulations is enclosed with this letter. 5 C.F.R. Section 1201.3 of the MSPB regulations lists what information must be included in your written appeal to the Board. You may file your appeal electronically, or use the Appeal Form and submit by conventional means (postal mail, fax, commercial or personal delivery).

To be timely, an appeal to the Board must be filed during the period beginning with the day after the effective date of this action and ending twenty (20) calendar days after that date. Filing can be by personal delivery during normal business hours to the Board office indicated above, in which case the date of receipt in the Board's office is the date of filing, or filing can be by mail to that office, in which case the date of mailing is the date of filing.

Should you allege the action taken against you was based in whole or in part on discrimination because of race, color, religion, sex, age, national origin, or physical or mental handicap, you have the following options available to you. You may appeal the discrimination allegation to the MSPB, or you may appeal the discrimination allegation along with any other issue you would have otherwise appealed to the Board through the discrimination complaint system under PPM chapter 713.

The final Notice of Personnel Action (SF-50) documenting this action will be forwarded to you shortly.

(Name and Title of Deciding Official)

Attachments

Employee Acknowledgement of Receipt

I acknowledge receipt of this letter dated (insert date):

Employee's Signature _____ Date _____

Witness Signature _____ Date _____

Attachments

This memorandum should be concurred in by the Senior Staff member who manages the organization (if he/she is not the Deciding Official) and by the Associate Director for Resource Management.

Whenever possible, the Deciding Official should personally deliver the notice to the employee in the presence of a witness. The employee should be asked to sign and date a copy, acknowledging receipt. If the employee refuses to sign, the Deciding Official should so note on the copy and ask the witness to sign. If the employee is not on duty, copies of the letter should be sent certified mail, return receipt requested, by regular first class mail. Copies should be delivered and mailed to the representative, if one has been designated in the same manner.

For bargaining unit employees, a copy should also be provided to the union or other notification procedures followed as specified in the labor management agreement.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: August 01, 2016

NUMBER: 85

This Change Notice transmits modifications to PPPM Chapter 610, Hours of Duty. The following amendments are made:

REMOVE

1. Entire Chapter 610 dated Jul 2007

INSERT

Chapter 610 dated Apr 2016

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner

Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 610

HOURS OF DUTY

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PERSONNEL POLICY AND PROCEDURES MANUAL
CHAPTER 610
HOURS OF DUTY

1. INTRODUCTION

A. PURPOSE

This policy provides guidance on various types of duty hours and work schedules available to the Selective Service System (SSS) employees. Coverage includes definitions and guidance on workweeks, work schedules, federal holidays, alternative work schedules, and telework programs.

B. DEFINITIONS

- (1) **Basic Workweek.** For full-time civilian employees a basic workweek is 40 hours from Monday through Friday; eight hours of work each day. However, the basic work requirement may be longer for certain days under alternative work schedules, which are usually based on an 80 hour biweekly pay period. (Note: There is no authority to compensate employees who are placed on-call or required to carry a pager or cell phone.)
- (2) **Basic Work Requirement.** Basic work requirement is the number of hours an employee is required to work. For example, the basic work requirement for a full-time employee is eight hours of duty each day, plus a half hour for lunch, or 80 hours per pay period. The basic work requirement under this program requires a set work schedule.
- (3) **Compensatory Time (CT).** CT hours are worked in excess of the scheduled workday or in excess of 80 hours in a pay period, which must be approved in advance. CT is paid as overtime, if not used within 26 pay periods of being earned. An exempt employee's failure to use CT time off within 26 pay periods may result in the loss of accrued CT (5 CFR 550.114). By 5 CFR 551.202, Federal Labor Standards Act (FLSA) nonexempt employees must be paid for unused CT, therefore supervisors should ensure it is used prior to expiration (See 5 CFR 551.531(d)).
- (4) **Compensatory Time Off for Travel.** Compensatory time off for travel is time accrued by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. Guidance for Compensatory Time for Travel

is in PPPM Chapter 630, Absence and Leave (See 5 CFR 550.1401 - 1409).

- (5) **Core Time.** Core time is a set period of time in which all employees must be present (9:30 a.m. to 3:00 p.m.). Lunches must be taken between 11:00 a.m. and 2:00 p.m. Employees may select start times as early as 6:30 a.m. and stop times as late as 7:00 p.m.
- (6) **Credit Hours.** Credit hours are hours of work within the tour of duty that are in excess of an employee's basic work requirement and which the employee elects to work with supervisory approval to vary the length of a workday or workweek. Credit hours are a component of gliding and maxiflex flexible work schedules, which are not authorized at SSS.
- (7) **In Lieu of Holiday.** An "In Lieu of Holiday" is an employee's designated holiday when the scheduled day off falls on a holiday. Typically, the "In Lieu of Holiday" is taken as the last workday prior to the actual holiday. If the holiday falls on a Sunday, the subsequent workday is the "In Lieu of Holiday."
- (8) **Night work.** Night work is defined as work during the hours of 6:00 p.m. to 6:00 am.
- (9) **Overtime Work.** Overtime hours are worked in excess of the scheduled workday within the Compressed Work Schedule (CWS), or in excess of 80 hours in a pay period, which are officially approved in advance.
- (10) **Regular Time.** Regular time is the work period designated by the Director of SSS. Employees not participating in the CWS Program will continue to work regular time, or they can participate in the flexitour office hours.
- (11) **Premium Pay.** Premium pay is additional pay authorized by 5 U.S.C., Chapter 55, Subchapter V, for overtime, night, holiday, or Sunday work, and for standby duty or administratively uncontrollable work.
- (12) **Uncommon Tours.** Unusual tours of duty such as shift work and night and holiday work may be assigned to an employee, if directed by the Director of SSS.
- (13) **Workweek.** As approved by the Office of Personnel Management (OPM), a workweek is defined as the number of hours, excluding overtime, an employee is required to work or account for by charging

leave, credit hours, excused absence, holiday hours, compensatory time off, or time off as an award.

2. **WORK SCHEDULES**

A. REGULAR OFFICE HOURS

SSS employees' regular office hours are 8:00 a.m. to 4:30 p.m. each day, Monday through Friday, with a half hour lunch period, or another tour of duty as specified by his or her supervisor.

B. FLEXITOUR OFFICE HOURS

Employees who select a flexitour work schedule are required to be present during core work hours from 9:30 a.m. to 3:00 p.m. and must work or be on approved leave for 8 hours a day, 5 days a week. Employees who establish, with their supervisor's approval, a flexitour work schedule are allowed to select starting and stopping times within the flexible hours. Once selected, the hours are fixed, until the supervisor approves a change in the employee's fixed flexitour work schedule. On an infrequent basis, with the advanced approval of the supervisor, employees may occasionally vary their established starting and ending times, as long as they are present during core work hours. (See paragraph 5.B.)

C. LUNCH PERIOD

A lunch or meal period is non-pay and non-work status time that interrupts a basic workday for the purpose of permitting employees to eat or engage in permitted personal activities. Lunch is authorized between 11:00 a.m. and 2:00 p.m.

D. SCHEDULED BREAKS

Compensable rest periods during the workday may be authorized for health and safety or efficiency reasons. Rest periods must not exceed fifteen (15) minutes during each four (4) hour period of work. They must not be scheduled immediately before or after lunch periods or at the start or end of a workday (Comp. Gen B-1190011, dated December 30, 1977).

E. OFFICE COVERAGE

Supervisors and managers should ensure office and telephone coverage is available during lunch periods and breaks.

- (1) Duration. In most circumstances, a manager is prohibited from scheduling a break in working hours of more than one (1) hour during a basic workday.
- (2) Interruption. Employees covered by FLSA (5 CFR 551) must be provided bona fide meal breaks (unpaid) in the workday. If an employee is not excused from job duties, or if recalled to job duties, the employee is entitled to pay for compensable work.

F. TRAVEL ON OFFICIAL TIME

Official travel is counted as hours of work, if the travel is:

- (1) Outside the employee's official duty station; and
- (2) Within the hours of the employee's regularly scheduled administrative workweek, including regularly scheduled overtime hours. (Note: Overtime hours may not be scheduled specifically to accommodate travel.)

3. HOLIDAYS

A. GUIDANCE

The following provides guidance to SSS managers and employees on legal holidays, and Inauguration Day. When a holiday falls on a non-workday, Saturday holidays are observed on Friday and Sunday holidays are observed on Monday.

B. LEGAL HOLIDAYS

The following are public holidays for Federal employees who work a Monday through Friday schedule.

- (1) New Year's Day, January 1
- (2) Birthday of Martin Luther King, Jr., Third Monday in January
- (3) President's Day/Washington's Birthday, Third Monday in February
- (4) Memorial Day, Fourth Monday in May
- (5) Independence Day, July 4
- (6) Labor Day, First Monday in September
- (7) Columbus Day, Second Monday in October
- (8) Veterans Day, November 11
- (9) Thanksgiving Day, Fourth Thursday in November
- (10) Christmas Day, December 25

C. INAUGURATION DAY

Federal employees in the Washington, D.C., metropolitan area are authorized a day off on the day a President is inaugurated (January 20 following a Presidential election), if employed in:

- (1) The District of Columbia;
- (2) Montgomery and Prince George's Counties in Maryland;
- (3) Arlington and Fairfax Counties in Virginia;
- (4) The cities of Alexandria and Falls Church in Virginia.

4. **DISMISSALS**

Guidance for Administrative Leave and Excused Absences for administrative, early, and/or emergency dismissals is provided in PPPM Chapter 630.

5. **ALTERNATIVE WORK SCHEDULES**

A. COMPRESSED WORK SCHEDULES

- (1) Description. Under 5 USC 6121(5), a compressed work schedule means an employee's basic work requirement for each pay period is scheduled for less than 10 workdays. The following defines policy, assigns responsibility, and prescribes procedures for an employee's compressed work schedule (CWS). A CWS allows employees to shorten their workweek by using a permanent fixed work schedule, which does not permit flexible arrival and departure times. The tours of duty are described in the procedures section.
- (2) Authority. The Federal Employees Flexible and Compressed Work Schedules Act of 1982 (5 U.S.C. 6120-6133) authorizes these schedules.
- (3) Policy. Implementation of CWS will not disrupt SSS operations, or adversely impact timely accomplishment of its mission or service to the public. The CWS program within designated locations is intended to improve morale by allowing employees to handle personal and family matters on their off day. Employees and supervisors will work together to ensure CWS program maximum effectiveness.
 - (a) Current regulations and procedures in PPPM Chapter 630 for scheduling and approving leave, compensatory time, and overtime remain in effect.
 - (b) Most employees have the option of requesting CWS program

participation. An employee's participation and proposed tour of duty are subject to supervisory approval.

- (c) Employees in travel status (for official business or approved training) who participate in CWS may be required to change to a normal fixed tour of duty for all or part of a pay period in which the travel occurs.
- (d) Employees on leave restriction may not participate in the CWS program.
- (e) Employees in regularly scheduled telework may not participate in the CWS program.

(4) Responsibilities.

- (a) The Human Resources Officer (HRO) is responsible for developing guidance and procedures for the Program, as well as gathering and analyzing evaluation data submitted by senior management officials upon the Chief of Staff's request.
- (b) Senior management officials are responsible for administering CWS program within SSS, assuring uninterrupted and undiminished customer service, accomplishing their assigned mission, and resolving conflicts or disagreements on employees' participation or work schedules.
- (c) Supervisors are responsible for administering the CWS program for employees under their supervision, assuring uninterrupted and undiminished customer service, informing senior management officials any schedule conflicts or other issues resulting from CWS participation in their organization and ensuring their office is sufficiently staffed during regular office hours to accomplish the office mission.
- (d) All SSS employees who participate in the Program are responsible for familiarizing themselves with and adhering to the provisions of this Chapter and section. Participating employees should also communicate with their supervisor and senior management official about establishing and adhering to schedules.

(5) Procedures

- (a) Each participant is required to work or be on approved leave a total of 80 hours per pay period.
 - 1) Under the 5/4-9 schedule, the tour of duty approved by the supervisor includes eight 9-hour workdays, one 8-hour workday, and one day off during the pay period. Arrival times are 6:00 a.m. to 9:30 a.m. Departure times are 3:30 p.m. to 7:00 p.m. The tour of duty is extended one-half hour for the daily lunch period. For example, the 9-hour day is 8:00 a.m. to 5:30 p.m. and the 8-hour day is 8:00 a.m. to 4:30 p.m.
 - 2) Under the 4-10 schedule, the tour of duty approved by the supervisor includes eight 10-hour workdays and one day off each week of the pay period. Arrival times are 6:00 a.m. to 9:30 a.m. Departure times are 4:30 p.m. to 8:30 p.m. The tour of duty is extended one-half hour for the daily lunch period. Additionally, supervisors should adjust work schedules to ensure employees do not routinely work a schedule that keeps them in the office until 8:30 p.m. For example, a 10-hour day is 8:00 a.m. to 6:30 p.m.
- (b) An Associate Director, Region Director or DMC Manager has the discretion to adjust an employee's arrival/departure time when necessary to meet the Agency's business requirements.
- (c) If the supervisor finds it necessary to direct a participant to work, all or part of a normal day off, such time will be compensated by identifying another day off for that pay period, or with appropriate overtime/compensatory time. Supervisors will ensure FLSA provisions are followed for employees covered by FLSA. Changes in a regular day off may be initiated only by the supervisor and will be dictated by the Agency's business requirements. Except for holidays, if the regular day off is changed, the supervisor will document the reason for the change in a Memorandum for the Record to be retained by the supervisor. If an employee's regular day off is changed for attending an official SSS function, a Memorandum for the Record is not required.
- (d) Participating employees may withdraw from a CWS prior to the beginning of the next pay period. Withdrawal will be effective at the end of a pay period. If an employee accepts a new position that results in CWS withdrawal, the change will take effect in the first full pay period for the new position.

- (e) Conflicts in work schedules should be resolved by the immediate supervisor or second level supervisor.
- (f) Employees must complete and sign the Statement of Compliance with the rules of CWS program (Appendix A).

(6) Rules for Premium Pay

Under a CWS, the following rules apply to Premium Pay.

- (a) Overtime (OT) Pay. FLSA non-exempt employees are eligible for OT for hours worked in excess of the CWS hours (eight, nine, or ten hours) in a scheduled day, or 80 hours in a pay period. FLSA exempt employees may be eligible for compensatory time (CT). Payment of OT is subject to all applicable FLSA and SSS guidance and procedures.
- (b) Compensatory Time (CT). Employees may request CT in lieu of OT pay as provided by 5 U.S.C. 5543 for hours worked in excess of the CWS hours (eight, nine, or ten hours) in a scheduled day, or 80 hours in a pay period. CT, in lieu of overtime, is at the supervisor's discretion for FLSA exempt employees only. Employees not exempt from FLSA are entitled to and may request OT pay.
- (c) Night Pay. If the tour of duty includes eight or more hours available for work during daytime hours, the employee is not entitled to night pay even though arrival or departure times may include hours when night pay is normally required.
- (d) Holiday Pay. A full-time employee required and approved to perform work on a holiday (or a day designated as "In Lieu of Holiday") is entitled to basic pay and premium pay equal to basic pay for the holiday work, not to exceed ten hours. A part-time employee is entitled to holiday pay only for work performed during the basic work requirement on a holiday. A part-time employee is not entitled to holiday pay for work performed on a day designated as "In Lieu of Holiday."
- (e) In Lieu of Holiday. If a Federal holiday falls on an employee's off-day, the employee is entitled to an additional day off, referred to as the "In Lieu of Holiday." Usually the preceding workday is the "In Lieu of Holiday," except if the holiday falls on a Sunday, the subsequent workday is the "In Lieu of Holiday."

- (f) Sunday Work. Since the SSS does not usually schedule Sunday work, such work will usually be paid as OT or CT under the rules stated above.

(7) Absence and Leave

Under a CWS, the following apply to absence and leave.

- (a) Sick and Annual Leave. Time off during an employee's basic work requirement must be charged to the appropriate leave category, unless the employee uses accrued CT or has an excused absence. For example, a full-time employee scheduled to work nine hours, who takes one day of annual leave, is charged nine hours of annual leave for that day.
- (b) Excused Absences. When excused absences are granted, on any day other than the employee's regular day off, the amount of excused absence granted will be the number of hours the employee would have worked during the excused period.

B. FLEXIBLE WORK SCHEDULE

- (1) Description. By 5 U.S.C. 6122, a flexible work schedule includes designated hours (core time/hours) and days when an employee must be present for work. A flexible work schedule also includes designated hours during which an employee may elect to work to complete the employee's basic (non-overtime) work requirement, with supervisor's approval. This schedule allows employees an option to expand their lunch time with supervisory approval, as long as they complete an eight/nine/ten hour work day.
- (2) SSS Policy. SSS offers flexitour work schedules described in paragraph 2.B., which is applicable to all SSS employees. The SSS does not offer "gliding schedules" that allow employees to change start and stop times daily or "maxiflex schedules" that allow employees to work fewer than 10 workdays in the biweekly pay period and vary the number of hours worked on a given workday or workweek. As credit hours are a key component of these two types of work schedules, SSS employees do not earn credit hours.

6. TELEWORK PROGRAM

A. DESCRIPTION

Telework is a "privilege" extended to employees to expand work options for Agency positions where this type of arrangement is appropriate. It is not appropriate in all situations or for all positions within SSS. This policy provides guidance to managers and employees on the SSS Telework Program. Advances in telecommunications capabilities, rising costs of office space, air pollution, traffic problems, changing social needs, and the need for emergency planning and continuity of operations have increased interest in alternative or flexible workplace arrangements. Flexible workplace, work-at-home, telecommuting, or teleworking all refer to a work situation or an employer/employee relationship where the location of the worksite is shifted away from the traditional office. Teleworking provides employees the opportunity to perform duties at home or at an alternate worksite during an agreed upon portion of the workweek.

B. AUTHORITY

Legal Authority. Title 5, U.S.C 6502, requires each Federal agency to establish a policy under which eligible employees may participate in telework to the maximum extent possible without diminished employee performance or productivity.

C. POLICY

- (1) An effective Telework program relies on the integrity and work ethic of participating employees and the active oversight of supervisors. The supervisor must monitor each employee's work closely for quality to ensure the level of effort is commensurate with a full eight, nine or ten hour workday. This means being knowledgeable of employees' regular and ad hoc assignments while teleworking. Employees are obligated to exhibit honesty and trustworthiness in complying with their telework agreement, which includes performing the work assigned while teleworking in an efficient manner.
- (2) Employees must comply with their Telework Agreement, SSS Form 612. An effective telework programs requires mutual commitment to accomplish the work of the organization and uphold the agreement.

D. PROCEDURES

- (1) Telework Site. The telework site is an approved location, other than the employee's official duty station, where the employee will work.
- (2) Position Eligibility. Positions eligible for telework involve tasks and work activities that do not depend on the employee being present at the traditional worksite on a continuous basis, and are conducive to

supervisory oversight at the telework site. Positions may not be excluded solely on the basis of occupation, series, grade or supervisory status. Tasks and functions generally suited for teleworking include, but are not limited to, program and policy development, analysis, writing, research, setting up conferences, and computer-oriented tasks such as programming, data entry, word processing or web page design. Typically, these tasks require uninterrupted concentration and result in measurable work outputs or products. Eligibility is determined based on job-related and employee-related criteria and is addressed in paragraphs (3), (4), and (5).

- (3) **Program Work Arrangement.** Telework encompasses "core" telework, where the employee teleworks on a regular, routine basis; and, "situational" or "ad hoc" telework that occurs on an occasional, non-routine basis. Teleworkers must meet the specific program work arrangements and conditions outlined below:
 - (a) Positions approved for telework depend on the specific nature and content of the job, rather than just the job series and title.
 - (b) A telework schedule may be used when there is a recurring opportunity to perform work at an alternate site. Schedules will generally be limited to one or two workdays per pay period. On a case-by-case basis, an employee may be permitted to telework more than two days per pay period, if approved by his/her supervisor and appropriate Associate Director, Chief of Staff, Region Director or DMC Manager. This will ensure the employee is available in the office on a regular basis during the week to reduce isolation and sustain communication among coworkers. Supervisors will periodically review schedules to determine the impact on general office morale and productivity.
 - (c) On a case-by-case basis, with a telework agreement, an employee may be approved to telework to accommodate needs, based on a short-term illness, injury, medical condition, or other emergency situation. PPPM Chapter 630 contains criteria for medical certification.
 - (d) Employees may telework on special projects or specific work that can be accomplished outside the office setting. Supervisory approval and an ad hoc telework agreement are required prior to actual telework.
 - (e) Employees are expected to provide supervisors with a work

plan for any day spent teleworking and, as required, provide the supervisor with documentation of work done.

- (f) As a minimum level of accessibility, teleworkers are expected to check and respond to office inquiries, supervisors and/or customers by telephone, email, voice mail, or other communications media at least twice a day or more frequently, as otherwise directed by the supervisor or as dictated by other set priorities and circumstances during their normally scheduled work hours.
- (g) Supervisors shall use the Telework Assignment Form, SSS Form 611, to validate work performed for the duration of the telework day. The form provides documentation of the work assigned to the employee and any deliverables expected upon the employee's return to their official duty station. The form may be used to document one day's work or some other agreed upon period. These forms are to be signed and dated by the employee and supervisor and shall be submitted to the supervisor by the end of the workday following a telework period.
- (h) Managers are responsible for office coverage and the scheduling of telework days to ensure sufficient personnel are present in the office.

(4) Request to Participate

- (a) Employees voluntarily request to participate in telework by submitting a Request to Participate in the SSS Telework Program, SSS Form 610, to their immediate supervisor with the Employee Telework Assessment Questionnaire, SSS Form 613, and the SSS Safety List and Guidelines for Homebased Telework Participants, SSS Form 614.
- (b) The employee's supervisor will conduct an assessment interview with the employee to determine if telework is appropriate. The supervisor will advise the employee of the recommendation to the reviewing official for approval or disapproval.

(5) Eligibility Criteria

An employee's request is reviewed based on the nature and content of the job and the following criteria. If the employee's job, conduct, and performance meet the following criteria, a telework arrangement

may be approved if:

- (a) Employee's current rating of record is Fully Successful or better;
- (b) Employee is not on leave restriction;
- (c) Employee is not on a Performance Improvement Plan (PIP);
- (d) Employee has not received any disciplinary or adverse action in the last 12 months;
- (e) The employee has been in the current position for a sufficient time for the supervisor to determine if assigned work can be accomplished independently. Employees in a probationary or a trainee position may telework at the supervisor's discretion;
- (f) The employee's ability to perform work and achieve expected productivity does not require:
 - 1) Daily use of specialized equipment or technology that is available only at the official duty station;
 - 2) Personal face-to-face contact with coworkers, managers, and/or customers on a constant basis, or close supervision; and
 - 3) The employee to provide continued office coverage, answer phones, receive visitors, sort mail, perform motor vehicle services, or provide other on-site support.
- (g) Employees on a compressed work schedule may not participate in regularly scheduled telework.

(6) Suspension or Termination of Eligibility

If conduct or performance changes preclude an employee from continuing to meet telework eligibility requirements, the supervisor, in consultation with the senior management official and HRO may suspend or terminate the employee's eligibility to telework in writing, stating the reason(s) for it. The employee should be counseled regarding expectations and what is required to reinstate eligibility.

(7) Decision on Request to Participate

- (a) If the request is approved, the employee and supervisor will complete the SSS Telework Agreement (Appendix A);
- (b) If the request is disapproved, the employee will be notified in writing on the Telework Request Form, stating the reason(s) for disapproval;
- (c) An employee whose request is disapproved by a supervisor may request reconsideration by the second level supervisor. If the request is disapproved at the second level, the employee does not have any additional reconsideration rights;
- (d) Disapproved requests will be routed to the HRO for review prior to communicating a disapproval decision to the employee. The HRO will review the request for consistency with Agency policy.

(8) Hours of Duty

- (a) The hours of duty while teleworking are normally the same as when working at the official work site, unless otherwise agreed to by the supervisor. To sustain productivity, employees must maintain contact and communication with the supervisor (and others) via telephone, email, voice mail, or other media during core times, or as directed by the supervisor.
- (b) The supervisor has the right to direct teleworkers to report to the official duty station due to special circumstances, including, but not limited to: office assignments, meetings, and/or training classes. Schedule changes should be planned in advance to provide the teleworker advance notice to travel to the official duty station during the regular commute time. If an employee scheduled for a full workday of telework receives notification to report to the official duty station too late to travel during normal commute times, travel time will be counted as hours of work. The employee is not entitled to be reimbursed for transportation costs to the duty station on a day usually scheduled for teleworking.

(9) Time and Attendance

- (a) The existing rules on OT under Title 5 U.S.C. and FLSA apply to telework employees. Employees may not work OT or receive CT without prior approval (refer to PPM

Chapter 630). Typically, employees will not be granted or earn OT/CT when teleworking.

- (b) Annual and sick leave are requested by a teleworker in the same manner as it would be for employees not engaged in telework activities (refer to PPPM Chapter 630).
- (c) The supervisor certifies time and attendance, ensures teleworkers are paid for work performed, accounts for absences from scheduled hours of duty, and, ensures the employee's telework schedule is properly coded in QuickTime.
- (d) The Government Accountability Office (GAO) requires agencies with telework programs to provide reasonable assurance that teleworkers are working when scheduled. When determining the reasonableness of work output for the time reported, the supervisor may require the employee to report via telephone or email. The supervisor may decide the appropriate reporting method to use.

(10) Space, Equipment, Security, and Services

- (a) Most employees participating in telework are assigned an SSS laptop or may use a personal computer that complies with SSS IT requirements to log into the SSS network to complete work and communicate via email;
- (b) SSS will make a good faith effort to reasonably provide the necessary IT equipment required for employees who telework on an ad hoc basis or for special projects for those who do not own computers;
- (c) A personal home computer is not a requirement to participate in telework. Full-time employees who do not have a home computer should check with the IT Division for a possible Agency-sponsored computer.
- (d) Telework sites, including personal residences, must have adequate workspace, lighting, internet service, telephone service, power, and adequate security;
- (e) Employees must self-certify worksite suitability on the SSS Safety List and Guidelines for Homebased Telework Participants, SSS Form 614;
- (f) Teleworkers must comply with all security measures and disclosure provisions, including password protection and

data encryption to ensure Privacy Act and other security standards are not compromised;

- (g) Teleworkers must protect all government records and data against unauthorized disclosures, access, mutilation, obliteration, and destruction;
- (h) Teleworkers are not authorized to remove classified or Agency sensitive material from their official duty stations;
- (i) Teleworkers must ensure reasonable care is used when operating SSS equipment. Use of government owned property by employees in their residence must be consistent with SSS guidelines. The government retains ownership and control of equipment provided to the employee for use at the telework site and is responsible for its maintenance, repair, and replacement. However, the employee may be held financially liable, if the equipment is lost, stolen, or damaged due to negligence, misuse, or abuse;
- (j) The employee must agree the Agency has the right to inspect the home worksite to ensure suitability prior to final telework approval. Notice will be given (not less than two workdays) in advance of the inspection. Another inspection may be made if there are changes to the home/worksite that require another inspection;
- (k) Teleworkers must comply with the provisions outlined in Agency policies related to the purpose and use of government or Agency owned computer equipment.

(11) Other Provisions

- (a) SSS and the Office of Personnel Management (OPM) recognize the importance of telework in maintaining the government's continuity of operations (COOP) in an emergency;
- (b) During unforeseen circumstances, SSS may request some or all teleworkers to continue work at an alternate worksite or on any other regularly scheduled workdays during emergency situations when the agency is closed;
- (c) The Agency has established an IT environment that ensures authorized access to the network system from any location;

- (d) When an emergency affects only the telework site (residence) for a major portion of the workday, the teleworker is required to notify the supervisor and get instructions as to whether to report to the official duty station, or request the appropriate leave for the period of scheduled work. In emergency circumstances, the teleworker may only be excused if the official duty station is closed. When the official duty station office and the telework site (residence or alternate work site) are affected by a widespread emergency (e.g., power failure), SSS will grant teleworkers excused absences the same as employees at the official work site;
- (e) The Agency is not responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities) associated with remote operating procedures and/or the use of the telework site. The teleworker does not relinquish any entitlement to reimbursement for pre-authorized expenses incurred while conducting SSS business, as provided by law and regulations (e.g., long distance telephone calls, faxes, copying). To the extent possible, teleworkers should make official long distance calls from the official work site where less expensive rates apply. This practice will be used to reduce any additional costs associated with teleworking. As appropriate, teleworkers with a need to routinely make official long distance telephone calls may be issued a government long distance credit card for Official Use Only.
- (f) Teleworkers are covered by the Federal Employees Compensation Act and are entitled to continuation of pay or worker's compensation for on the job injury or occupational illness incurred at the telework site in connection with job assignments. A telework agreement and safety checklist must be on file with Human Resource Office (HR). A teleworker should follow the procedures in PPPM Chapter 810, Injuries, Claims, Compensation and Medical Care. The injured employee must notify their supervisor immediately and complete standard Department of Labor injury forms.

E. Responsibilities

- (1) The HRO (or HRO's designee) is the SSS's Telework Coordinator. In this capacity, the HRO will develop and execute an implementation plan that addresses several key issues, including:
 - (a) Provide routine and recurring training for supervisors and employees on the basic elements of the program, supervisory

responsibilities, employee responsibilities, eligibility issues, and productivity and accountability issues (Note: The SSS's online training program, currently USA Learning, has telework courses that must be taken by all telework employees);

- (b) Establish regular reporting mechanisms for training and evaluating teleworkers;
- (c) Establish measurable goals for participation, including a review of all positions for a determination of job-related eligibility for telework, to enable program evaluations annually;
- (d) Update the program, as needed.

- (2) Managers, supervisors, and employees are responsible for complying with the aforementioned telework program policies and procedures.

7. IMPACT OF VARIOUS POLICIES

A. CWS AND TELEWORK

To ensure office coverage, persons on a compressed work schedule (CWS) may not participate in core or regular telework. However, they may telework on an ad hoc basis with supervisory or OPM approval.

B. AD HOC TELEWORK

Provisions for ad hoc telework (with signed agreements) may be provided for inclement weather or exigencies that prevent employees from reporting to the official duty station, (e.g., OPM makes an unscheduled telework announcement for employees in the Washington, D.C. area).

C. SENIOR MANAGERS

The Deputy Director, Chief of Staff, General Counsel, Associate Directors, Region Directors, and Data Management Center Manager are not authorized to regularly telework.

D. ABUSE

Employees who abuse or otherwise do not comply with the requirements of the flexitour office hours, CWS, and/or telework may be restricted or barred from participating in subject program(s), and may be subject to disciplinary action under PPPM Chapter 752, Discipline and Adverse Actions for:

- (1) Falsifying time records and working less than the prescribed work hours, without taking approved leave, will be subject to disciplinary action; and
- (2) Falsifying time records will be considered an absence without leave (AWOL) for the time period in question, and will be subject to disciplinary action.

APPENDIX A

Statement of Compliance with Rules of the Compressed Work Schedule (CWS) Program

Employee Name _____

I have read and understand thoroughly the policies and procedures governing this program as outlined in Selective Service PPM Chapter 610. I understand I must abide by all of the rules in this guidance, and I also understand:

1. My tour of duty or working hours must be approved by my supervisor;
2. I am to be on duty for the entire tour of duty each day, except for lunch periods;
3. If the requirements of my position change; or if it is determined that I can no longer participate in CWS for the good of the Selective Service System (SSS), I will be required to withdraw from the program by beginning of the next pay period;
4. If other Agency employees are excused for any reason on my regular day off, I will not receive nor be entitled to any commensurate time off;
5. My regular day off may be changed only by my supervisor for reasons of workload and for the good of the SSS; and
6. My supervisor may remove me from a CWS due to abuse of the program or for leave abuse.

Signature _____ Date _____

This statement should be retained by the supervisor with copies to the employee and to the Human Resources Officer.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2425

Change Notice

MANUAL: Personnel Policies and
Procedures (PPPM)

RESPONSIBLE OFFICE: SPT

DATE: December 8, 2009

NUMBER: PPPM 65

1. This Change Notice transmits modifications to PPPM, Chapter 610, the Selective Service System Hours of Duty, Alternative Work Programs, and Telework Program. The following pen and ink change should be made as follows:

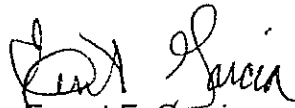
PAGE/PARAGRAPH

CHANGE

Page 610-20; paragraph 6.C.(8)e.

Supervisors may determine if employees in a probationary period or a trainee position are allowed to telework.

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.


Ernest E. Garcia
Acting Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 610

HOURS OF DUTY

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PERSONNEL POLICY AND PROCEDURES MANUAL

CHAPTER 610

HOURS OF DUTY

1. GENERAL DESCRIPTION

This policy provides guidance on the various types of duty hours and work schedules available to employees of the Selective Service System (SSS). Coverage includes definitions and guidance on workweeks, work schedules, Federal holidays and types of emergency dismissals, as well as the Flexible, Compressed and Telework programs.

2. WORKWEEK

A. DESCRIPTION

As approved by the Office of Personnel Management (OPM), a workweek is defined as the number of hours, excluding overtime, an employee is required to work or account for by charging leave, credit hours, excused absence, holiday hours, compensatory time off, or time off as an award.

B. THE BASIC WORKWEEK

For full-time civilian employees a basic workweek is 40 hours; eight hours of work each day; Monday through Friday. However, the basic work requirement may be longer for certain days under alternative work schedules (i.e. flexible or compressed work schedules). Compressed work schedules vary from 44 to 36 hours of work a week, Monday through Friday with one or two days off within the pay period. (Note that there is no authority to compensate employees for being placed on-call or being required to carry a pager or cell phone.)

C. UNCOMMON TOURS

Unusual tours of duty such as shift work, night and holiday work may be assigned to an employee if directed by the Agency Head or their designee.

3. WORK SCHEDULES

A. REGULAR OFFICE HOURS

For SSS employees, regular office hours are from 8:00 a.m. to 4:30 p.m. each day Monday through Friday with a half hour lunch period, or another tour of duty as specified by his or her supervisor.

B. FLEXIBLE TIME

Flexible Time refers to the process where work hours are chosen by the employee, and approved by his or her supervisor, to begin and end the workday within a specified time frame. Flexible work hours allow arrival times between 6:00 a.m. and 9:30 a.m. and departure times between 3:00 p.m. and 7:00 p.m. (Note: If an employee is not on a compressed work schedule the arrival time can not be before 6:30 a.m.)

C. LUNCH PERIODS

A lunch or other meal period is an approved period of time in a non-pay and non-work status that interrupts a basic workday or a period of overtime work for the purpose of permitting employees to eat or engage in permitted personal activities. (See also *Interruption*).

D. OFFICE COVERAGE

Supervisors and managers should ensure that office and telephone coverage is available during lunch breaks.

(1) Duration

In most circumstances, a manager is prohibited from scheduling a break in working hours of more than 1 hour during a basic workday. The normal 1/2 hour meal period limitation does not apply if an employee's supervisor authorizes the employee, in advance, to work a flexible (longer) work schedule to accommodate a longer unpaid meal period.

(2) Interruption

Employees covered by Fair Labor Standards Act (FLSA) (5 CFR 551) must be given unpaid meal periods providing *bona fide* breaks in the workday. If an employee is not excused from job duties, or if he or she is recalled to job duties, the employee is entitled to pay for compensable work.

E. TRAVEL ON OFFICIAL TIME

Official travel is counted as hours of work if the travel is:

(1) Outside the employee's official duty station;

(2) Within the hours of the employee's regularly scheduled administrative workweek, including regularly scheduled overtime hours (Note that overtime hours should not be scheduled specifically to accommodate travel.)

4. HOLIDAYS

A. DESCRIPTION

The following provides guidance to managers and employees of the Selective Service System (SSS) on legal holidays, Presidential Inauguration Day and adjustments to work schedules for religious observances.

B. LEGAL HOLIDAYS

The following are public holidays for Federal employees. Most Federal employees work a Monday through Friday schedule.

For these employees, when a holiday falls on a non-workday such as a Saturday or Sunday, the holiday is generally observed on Friday (if the holiday falls on a Saturday) or Monday (if the holiday falls on a Sunday).

- (1) New Year's Day, January 1
- (2) Birthday of Martin Luther King, Jr., January (3rd Monday)
- (3) Washington's Birthday (Presidents' Day), February (3rd Monday)
- (4) Memorial Day, May (4th Monday)
- (5) Independence Day, July 4
- (6) Labor Day, September (1st Monday)
- (7) Columbus Day, October (2nd Monday)
- (8) Veterans Day, November 11
- (9) Thanksgiving Day, November (4th Thursday)
- (10) Christmas Day, December 25

C. PRESIDENTIAL INAUGURATION DAY

Federal employees in the Washington, D.C., metropolitan area are entitled to a holiday on the day a President is inaugurated (January 20 following a Presidential election). Employees are entitled to this holiday if they are employed in one of the following areas:

- (1) The District of Columbia
- (2) Montgomery and Prince Georges Counties in Maryland
- (3) Arlington and Fairfax Counties in Virginia
- (4) The cities of Alexandria and Falls Church in Virginia

D. ADJUSTMENTS TO WORK SCHEDULES FOR RELIGIOUS OBSERVANCES

- (1) Description

To the extent that modifications in work schedules do not interfere with the efficient accomplishment of the Agency's mission, an

employee whose personal religious beliefs require that he or she abstain from work at certain times of the workday or workweek will be permitted to work alternative work hours so that the employee can meet the religious obligation. The hours worked in lieu of the normal work schedule do not create any entitlement to premium pay (including overtime pay).

(2) Approval

All SSS employees must submit to his/her supervisor in advance a written request for an adjusted work schedule. An employee should specifically state that his or her request for an adjusted work schedule is for religious purposes and should provide acceptable documentation of the need to abstain from work. When deciding whether an employee's request for an adjusted work schedule should be approved, a supervisor may not make any judgment about the employee's religious beliefs or his or her affiliation with a religious organization. A supervisor may disapprove an employee's request if modifications of an employee's work schedule would interfere with the efficient accomplishment of the Agency's mission. If an employee's request is approved, the supervisor may determine and schedule the alternative work hours before the religious observance.

(3) Leave

To account for an absence due to a religious observance, the employee may use paid leave, earned comp-time, or request leave without pay. These are the same options that apply to any other absence from an employee's basic work schedule.

(4) Impact On Pay

The overtime pay provisions do not apply to employees who work different hours or days because of religious observances, even if an employee voluntarily works in excess of 40 hours per week or 8 hours per day for this purpose.

5. **DISMISSALS**

A. **DESCRIPTION**

At certain times the Agency may close for administrative or emergency purposes. This includes authorized dismissals and closures due to holidays, traffic, weather, local and national emergencies or other circumstances as appropriate. As necessary, the Agency will also allow the use of unscheduled leave so that employees who find it difficult or unsafe to commute to or from work or who arrive late to use annual leave

or leave without pay without prior approval. Supervisors should be sensitive to the fact that localized weather, road, and traffic conditions may preclude employees from safely commuting to work. In these instances supervisors should grant unscheduled leave or leave without pay to such employees.

B. ADMINISTRATIVE DISMISSAL

An administrative dismissal may be issued by an order from the SSS Director (or designee), and/or in the field offices by the Region Director or the Manager of the Data Management Center (DMC) when one or more of the following conditions apply:

- (1) Normal operations of the Agency or portions thereof are interrupted by events beyond the control of management or employees;
- (2) For managerial reasons, the closing of the Agency or portions thereof is required for short periods;
- (3) It is in the public interest to relieve employees from work to participate in civic activities which the Government is interested in encouraging; or
- (4) Other circumstances that necessitate an authorized dismissal or time off of employees without charge to leave or loss of pay.

C. EARLY DISMISSAL

Under an early dismissal policy due to hazardous conditions, employees will be dismissed a certain number of hours relative to their normal departure times from work by the SSS Director (or designee), and/or in the field offices by the Region Director or the Manager of the DMC. Employees who must leave work earlier than their official dismissal time will be charged annual leave or leave without pay from the time of their departure through the remainder of their scheduled workday. Employees on pre-approved leave will be charged leave for the entire day. (Refer to Appendix A.)

D. EMERGENCY DISMISSAL

Office of Personnel Management (OPM), the Federal Executive Boards in the regional areas, the SSS Director (or designee), and/or in the field offices the Region Director or the Manager of the DMC may issue "emergency dismissal or closure" procedures for employees due to adverse weather, hazardous or emergency conditions to allow the dismissal of employees without charge to leave or loss of pay. The attached Emergency Dismissal or Closure procedures (Appendix A) will apply in any situation that prevents significant numbers of employees from

reporting for work on time or which requires the Agencies to close all or part of their activities. The attached procedures will apply during adverse weather conditions (snow emergencies, severe icing conditions, floods, earthquakes, and hurricanes), air pollution, disruption of power and/or water, interruption of public transportation, and other emergency situations.

6. **ALTERNATIVE WORK PROGRAMS**

A. **COMPRESSED WORK SCHEDULE**

(1) Description

The following defines policy, assigns responsibility, and prescribes procedures for the operation of a Compressed Work Schedule (CWS) Program for the Selective Service System. The CWS Program allows employees to shorten their workweek by use of a fixed work schedule. The schedules are the 5-4/9 plan and the 4-10 plans, which are described below in Paragraph 6.A.(4), Definitions.

(2) Authority

The authority for the CWS Program is found in the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (5 U.S.C. 6120-6133).

(3) Policy

- a. Implementation of the CWS Program shall not disrupt the Selective Service System's operations, or impact negatively the timely accomplishment of its mission or service to the public. The use of the CWS program within the designated locations is intended to improve morale by allowing employees to handle personal and family matters on their off day. Employees and supervisors shall work together to ensure maximum effectiveness of the Program.
- b. Abuse of the policies and procedures of the CWS Program will be justification for barring an employee from participating in this Program. Any employee falsifying time records and working less than the prescribed work hours, without taking approved leave, will be subject to disciplinary action.
- c. Current regulations and procedures on scheduling and approving leave, compensatory time, and overtime remain in effect.
- d. All employees have the option of requesting participation in

the Program. Employee's participation and proposed tour of duty are subject to supervisory approval.

- e. Employees in travel status (for official business or approved training) who are participating in the Program may be required to change to a normal fixed tour of duty for all or part of a pay period(s) in which the travel occurs.
- f. Employees participating in the CWS Program may not participate in the Flexitime with Credit Hours Program described in Section C.
- g. Employees on official leave restriction may not participate in CWS.

(4) Definitions

- a. *Basic Work Requirement.* The Basic Work Requirement is the number of hours which an employee is required to work. For example, the Basic Work Requirement for a full-time employee is eight hours of duty each day plus a half hour for lunch, or 80 hours per pay period. The Basic Work Requirement under this Program requires a set work schedule.
- b. *Compensatory Time.* Compensatory Time is hours worked in excess of the scheduled workday or in excess of 80 hours in a pay period, that are officially approved in advance. Compensatory Time must be used within 26 pay periods of it being earned. An employee's failure to take compensatory time off before the time limit expires will usually result in loss of compensatory time (5 CFR 550.114). Approval of request for extension of this time limit due to exigencies will rarely be considered. FLSA non-exempt employees (See 5 CFR 551.202) must be paid for unused comp-time, therefore supervisors should ensure it is used prior to expiration. (See 5 CFR 551.531(d))
- c. *Core Time.* Core Time is a set period of time during which all employees must be present (9:30 a.m. to 3:00 p.m.). Lunches must be taken between 11:00 a.m. and 2:00 p.m.
- d. *Credit Hours.* Credit Hours are hours of work within the tour of duty which are in excess of an employee's basic work requirement and which the employee elects to work with supervisory approval to vary the length of a workday or workweek.

- e. *5/4-9 Plan.* Under this Plan, the employee works eight 9-hour days, one 8-hour day, and is scheduled one day off each pay period. Each workday must also include an additional half hour to cover the lunch period.
- f. *4-10 Plan.* This plan allows employees to work four-10 hour days each week and schedule one day off per week. Each workday must also include an additional half hour to cover the lunch period.
- g. *In Lieu Of Holiday.* An In Lieu Of Holiday is an employee's designated holiday when his/her scheduled day off falls on a holiday. Typically, the "in lieu of" holiday is taken as the last workday prior to the actual holiday.
- h. *Nightwork.* Nightwork is defined as work during the hours of 6:00 p.m. to 6:00 am.
- i. *Overtime Work.* Overtime work is hours worked in excess of the scheduled workday within the CWS, or in excess of 80 hours in a pay period, that are officially approved in advance.
- j. *Regular (Normal) Time.* Regular (Normal) Time is the work period designated by the Director of Selective Service. Employees not participating in the CWS Program shall continue to work the Regular (Normal) Time, or they can participate in the Flexitime Program or the Flexitime with Credit Hours Program. Regular time for SSS is 8:00 am to 4:30 p.m.
- k. *Compensatory Time off for Travel.* Compensatory time off for travel is time off earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. (See 5 CFR 550.1401 - 1409)
- l. *Premium Pay.* Premium Pay is additional pay authorized by 5 U.S.C., Chapter 55, Subchapter V, for overtime, night, holiday, or Sunday work, and for standby duty or administratively uncontrollable work.

(5) Responsibilities

- a. The Associate Director for Support Services is responsible for developing guidance and procedures for the Program as well as gathering and analyzing evaluation data submitted by senior management officials upon request by the Director.

- b. Senior management officials are responsible for administering the CWS Program within SSS, assuring uninterrupted and undiminished customer service, continued mission accomplishment as well as resolving any conflicts or disagreements on participation by, or work schedules of, employees in their organization.
- c. Supervisors are responsible for administering the CWS Program for employees under their supervision, assuring uninterrupted and undiminished customer service, identifying for their senior management official any schedule conflicts or other issues resulting from the Program in their organization and ensuring that their office is sufficiently staffed during regular time to accomplish the office mission.
- d. All SSS employees who participate in the program are responsible for familiarizing themselves with and adhering to the provisions of this Chapter and section. Participating employees should also communicate with their supervisor and senior management official about the establishment of, and adherence to schedules, and report any observed abuses of the Program to their supervisor.

(6) Procedures

- a. Each participant shall be required to work a total of 80 hours per pay period.
 - 1. Under the 5-4/9 plan, the established tour of duty approved by the supervisor will include eight 9-hour workdays, one 8-hour workday, and one day off during the pay period. Arrival times are 6:00 a.m. to 9:30 a.m. Departure times are 3:30 p.m. to 7:00 p.m. Note that the tour of duty is extended one-half hour for the daily lunch period.
 - 2. Under the 4-10 plan, the established tour of duty approved by the supervisor will include eight 10-hour workdays and one day off per week of the pay period. Arrival times are 6:00 a.m. to 9:30 a.m. Departure times are 4:30 p.m. to 8:30 p.m. Note that the tour of duty is extended one-half hour for the daily lunch period. Additionally, supervisors should adjust work schedules to ensure that employees do not routinely work a shift that keeps them in the office until 8:30 p.m.

- b. An Associate Director, Region Director or the Manager of DMC have the discretion to adjust an employee's arrival/departure time when deemed necessary.
- c. If the supervisor finds it necessary to direct a participant to work, all or part of a normal day off, such time will be compensated by identifying another day off for that pay period, or by appropriate overtime/compensatory time. Supervisors shall ensure Fair Labor Standards Act (FLSA) provisions are strictly adhered to for employees covered by the FLSA. Such changes in a regular day off may be initiated only by the supervisor and shall be dictated by the needs of the Agency. In cases where the regular day off is changed, other than for reasons of a holiday, the supervisor shall document the reason for the change in a memorandum for the file, a copy of which will be submitted with the Official Time and Attendance Sheet for that pay period, and the original of which will be retained by the supervisor. If an employee's regular day off is changed for attendance at an official Agency function, this memorandum for the record is not required.
- d. Abuse of the Program will result in restriction or suspension of the CWS privileges where appropriate, as well as appropriate absent without leave (AWOL) charges and/or disciplinary action.
- e. Participating employees may, with two weeks notice, withdraw from the Program at any time. Withdrawal will be at the end of a pay period. In cases where an employee's position change results in withdrawal, he/she will be given 30 calendar days in which to withdraw from CWS.
- f. Conflicts in work schedules will be resolved by the supervisor and/or Directorate or office head.
- g. Employees must complete and sign the Statement of Compliance (Appendix B) with the rules of the Compressed Work Schedule Program.

(7) Rules for Premium Pay

Under this Program, the following rules apply to Premium Pay.

- a. *Overtime Pay.* Employees may be eligible for Overtime Pay for hours worked in excess of the CWS hours (eight, nine or ten hours) in a scheduled day, or 80 hours in a pay period. Payment of overtime is subject to all other applicable Agency

guidance and procedures.

- b. *Compensatory Time Off.* Employees may request Compensatory Time Off in lieu of overtime pay as provided by 5 U.S.C. 5543 for hours worked in excess of the CWS (eight, nine or ten hours) in a scheduled day, or 80 hours in a pay period. Compensatory Time off in lieu of overtime is at the supervisor's discretion to the extent permitted by law.
- c. *Night Pay.* If the tour of duty includes eight or more hours available for work during daytime hours, the employee is not entitled to Night Pay even though arrival or departure time may include hours when Night Pay is normally required.
- d. *Holiday Pay.* A full-time employee who performs non-overtime work on a holiday (or a day designated as the "In Lieu Of Holiday") is entitled to basic pay and may be entitled to premium pay equal to basic pay for that holiday work, not to exceed ten hours. A part time employee is entitled to Holiday Pay only for work performed during his/her basic work requirement on a holiday. A part-time employee is not entitled to Holiday Pay for work performed on a day designated as an "In Lieu Of Holiday."
- e. *In Lieu Of Holiday.* When a Federal holiday falls on a participant's off-day, the participant is entitled to an additional day-off, referred to as the "In Lieu Of Holiday." The preceding workday is the "In Lieu of Holiday."
- f. *Sunday Work.* For purposes of this Agency, work performed on a Sunday will be overtime or compensatory time.

(8) Absence and Leave

Under this Program, the following apply to Absence and Leave.

- a. *Sick and Annual Leave.* Time off during an employee's basic work requirement must be charged to the appropriate leave category unless the employee is authorized compensatory time off or an excused absence. For example, a full-time employee who is scheduled to work nine hours and takes one day of Annual Leave would be charged nine hours of Annual Leave for that day of leave. Participation in CWS does not change the rate at which an employee earns leave or earns creditable service for retirement.
- b. *Excused Absences.* When excused absences are granted,

on any day other than the employee's regular day off, the amount of excused absence to be granted shall be the number of hours the employee would have worked that day.

B. FLEXITIME WORK SCHEDULE

(1) Description

The following establishes policy, assigns responsibility and prescribes procedures for the operation of the Flexitime Work Schedule within the Selective Service System. The Flexitime Work Schedule (hereafter referred to as "Flexitime") allows employees of Selective Service to start work at various times within a flexible band of hours as long as they are at work during core hours and work an eight/nine/ten hour day with ½ hour for lunch. This schedule also allows employees an option to expand their lunch hour with supervisory approval as long as they complete an eight/nine/ten hour work day.

(2) Policy

- a. Flexitime applies to all SSS employees, except those employees who elect not to participate, and any employee whose mission precludes participation as determined by the head of the Agency.
- b. Implementation of Flexitime shall not disrupt the Selective Service System's operations nor impose on timely accomplishment of its mission. The use of Flexitime within the designated locations is intended to increase opportunities for full-time and part-time employment, improve morale, increase productivity, decrease tardiness, allow employees greater flexibility in handling family matters, and extend the number of hours the Agency can serve the public. Employees and supervisors shall work together to ensure maximum effectiveness of the program and its benefits.
- c. Abuse of the policies and procedures of Flexitime will be considered justification for barring or removing an employee from the program or discontinuance in the program. The supervisor will have the authority to bar an employee from participating in the program. Any employee falsifying time records and working less than eight/nine/ten work hours, without taking approved leave, will be subject to disciplinary action.
- d. Current regulations regarding the granting of leave and

compensatory time remain in effect. Employees will be required to request leave and obtain supervisory approval. Any employee's proposed tour of duty is also subject to supervisory approval.

- e. With the exception of those excluded from participation in the Flexitime Program because their position requires that they work during a set tour of duty, employees have the option of participating in the program.

(3) Definitions

- a. *Basic Work Requirement.* The Basic Work Requirement is the number of hours in which an employee is required to work. For example, a full-time employee is required to work eight hours each day plus a half hour for lunch.
- b. *Core Time.* Core Time is a set period of time in which all employees must be present. Core time is 9:30 a.m. to 3:00 p.m. except for lunches which can be taken between 11:00 a.m. - 2:00 p.m.
- c. *Flexible Time.* Flexible Time is a time chosen by the employee to begin and end their workday, with concurrence of the immediate supervisor. Employees at all locations must be present during the core time established for that location.
- d. *Flexitime.* Flexitime is the concept that fixed times of arrival and departure are replaced by a workday which is composed of two different types of time: core time and flexible time.
- e. *Regular (Normal) Time.* Regular (Normal) Time is the work period designated by the head of the Agency. NHQ and Region employees not participating in the Flexitime Program or the other Alternate Work Schedule programs shall continue to work their normal tour of duty.

(4) Responsibilities

- a. Flexitime procedures and limitations shall be coordinated between supervisors and employees. All affected personnel will be responsible for cooperation and effectively communicating to avoid problem areas and abuses of the Flexitime Program.
- b. Each participating employee shall select the Flexitime

period, subject to supervisory approval, outside of core time, which will yield the maximum benefit between his/her work requirements and personal needs. Employees will be expected to be responsible and reasonable in selecting day-to-day changes in work schedules.

- c. The Associate Director for Support Services is responsible for monitoring, evaluating any problems, and proposing corrective actions to the Flexitime Program.

(5) Procedures

- a. Each full-time employee is required to work a full workday (plus one-half hour lunch period) and a minimum number of approved hours per work week (depending upon their approved work schedule), including approved leave. Work hours performed in excess of their scheduled workday may be documented as overtime or compensatory time with prior approval of the immediate supervisor. Employees must be present during established core times.
- b. Employees using Flexitime shall be required to schedule their lunch period during the prescribed period of 11:00 a.m. and 2:00 p.m. Employees who use flexible lunch breaks will be required to sign in and sign out during their lunch period, and have prior approval of their supervisor for those taking a longer lunch than normal.
- c. The flexible workday and lunch period must be within the basic workweek for full-time employees, which is 40 hours per week, 5 days per week, Monday through Friday. Flexitime procedures implemented by this Chapter will not allow employees to earn credit hours for the purpose of shortening or lengthening the workday to be used at a later date.

(6) Scheduling

The following procedures apply to the Flexitime Work Schedule:

- a. Supervisors will review proposed schedules no more than two weeks in advance, taking into account overall work requirements, leave, TDY, and other absences for their offices. Supervisors will make any necessary changes and approve the employee's work schedule to ensure their office is covered during core hours and lunch periods.
- b. Employees who plan to apply Flexitime to their lunch

schedules may be required to sign in and sign out during their lunch period on the official time sheet or similar document. This will not be required for non-participating employees taking normal lunch period. The supervisor must approve the extended lunch in advance.

- c. Where circumstances permit, employees may alter their arrival and departure time on a daily basis. Supervisors have the sole responsibility for controlling Flexitime and assuring that the office mission is accomplished and the office is covered.
- d. In instances where a group of employees are working on a team project in which frequent communication and interaction of the group is required, they may set their arrival and departure times as a group for the duration of the team project, with the approval of their supervisor.
- e. Supervisors will be responsible for monitoring their employees' work schedule, including lunch period.
- f. Each participating employee's exact tour of duty will be recorded daily on time and attendance records.
- g. For meetings, conferences, TDY, and training, employees will be responsible for complying with their established work schedule. An employee's work schedule may be revised by the supervisor for unexpected conferences, VIP visitors, deadlines or other work related obligations that require the employee to be present, even if the Flexitime was pre-scheduled and approved. Supervisors make the final determination in instances where an employee is required to be present and a revision in the work schedule cannot be made by the employee. Consideration shall be given to members of carpools and users of public transportation.
- h. Conflicts in work schedules will be resolved based on seniority by using employees' Service Computation Dates (SCD), within the same grade.
- i. Supervisors must ensure that an individual's duties can be performed within the proposed flexitime hours, and if not will schedule the employee according to the needs of the office.
- j. Supervisors shall ensure that their office is sufficiently staffed during regular time to accomplish the office mission.
- k. Supervisors shall ensure Fair Labor Standards Act (FLSA)

provisions are strictly adhered to for non-exempt FLSA employees.

C. TELEWORK PROGRAM

(1) Description

Telework is not a "right." It is a "privilege" extended to employees to expand work options for Agency positions where this type of arrangement is appropriate. This policy provides guidance to managers and employees on the SSS Telework Program. Advances in telecommunications capabilities, rising costs of office space, air pollution, traffic problems and changing social needs, and the need for emergency planning and continuity of operations have increased interest in alternative or flexible workplace arrangements. Flexible workplace, work-at-home, tele-commuting, or tele-working all refer to a work situation or an employer/employee relationship where the location of the work-site is shifted away from the traditional office. Tele-working provides employees the opportunity to perform their duties at an alternative work-site during an agreed upon portion of their workweek. For purposes of this policy, the Telework Program will be referred to as the "Program". The role of the supervisor here cannot be over emphasized. The supervisor needs to monitor the employee's work closely for quality work and the same level of effort. This means knowing what employees are working on while on telework and checking to ensure the work is done and the level of effort is commensurate with a "normal" working day. It is incumbent upon the employee to exhibit honesty and trustworthiness in complying with the Telework Agreement which includes performing the work assigned at the telework site in an efficient manner.

(2) Nature of Program.

- a. An effective Telework Program relies on the integrity and work ethic of participating employees and the active oversight of supervisors. It is incumbent upon the supervisor to monitor the work products of the employee closely. It is incumbent upon the employee to exhibit honesty and trustworthiness in complying with the Telework Agreement (Appendix C-4) which includes performing the work assigned at the telework site in an efficient manner. The supervisor must ensure that the employee is producing quality products and the employee must exert the same level of effort he or she exerts at the normal worksite. The Program requires this mutual commitment to accomplish the work of the organization and uphold the Program agreement.

- b. Teleworking is not appropriate in all situations or for all positions within SSS. The Program is a privilege extended to expand work options to positions for which this type of arrangement is appropriate. See Section 5, Position Eligibility, for more details on the types of positions suited for this Program.

(3) Telework Site

The telework site is an approved location other than the employee's official duty station where the employee will be working.

(4) Legal Authority

Public Law No. 106-346, Section 359 requires that each Executive Agency establish a policy under which eligible employees of the agency may participate in teleworking to the maximum extent possible without diminished employee performance.

(5) Position Eligibility

Positions eligible for the Telework Program are those involving tasks and work activities that are portable, do not depend on the employee being at the traditional worksite on a continuous basis, and are conducive to supervisory oversight at the telework site. Positions will not be excluded as eligible solely on the basis of occupation, series, grade or supervisory status. Tasks and functions generally suited for teleworking include, but are not limited to, program and policy development, analysis, writing, research, setting up conferences, and computer-oriented tasks such as programming, data entry, word processing or web page design. Typically, these tasks require uninterrupted concentration and result in measurable work outputs or products. Eligibility is determined based on job-related and employee-related criteria and is addressed in paragraphs (6), (7), and (8).

(6) Program Work Arrangement

The Program encompasses "core" telework, where the employee teleworks on a regular, routine basis and "situational" telework that occurs on an occasional, non-routine basis. Teleworkers must meet the specific program work arrangements and conditions outlined below.

- a. Positions approved for teleworking will depend on the specific nature and content of the job rather than just the job

series and title.

- b. A Program arrangement may be used when there is a recurring opportunity to perform work at an alternate site. Teleworking arrangements will generally be limited to one or two workdays per pay period. On a case-by-case basis an employee may be permitted to telework more than two days per pay period if approved by their supervisor and the appropriate Associate Director, Region Director or the Manager of the DMC. This will ensure that the employee is available in the office on a regular basis during the week to reduce isolation and sustain communication amongst co-workers. Supervisors will periodically review the arrangement to determine its impact on general office morale and productivity.
- c. On a case-by-case basis, and with prior approval, an employee may be permitted to work at an alternate telework site to accommodate needs based on a short-term illness, injury, medical condition, or other emergency situation.
 - 1. Medical certification by a medical authority is required for illness or medical conditions in excess of 3 consecutive days. Other emergency situations should be adequately documented and attached with the temporary telework agreement.
 - 2. The supervisor must also certify that any associated telework arrangement will not negatively impact the Agency's mission, or the employee's quality or quantity of work. The Directorate Head or Senior Manager with concurrence from the Human Resources Officer will make the recommendation for the Director's approval.
- d. Employees may telework on special projects or specific work that can best be accomplished outside the office setting. Supervisory approval is required prior to actual telework.
- e. Employees are expected to provide supervisors with a work plan for any day spent teleworking and, as required, provide the supervisor with documentation of work done. (See Appendix C-5)
- f. Employees on the Compressed Work Schedule may participate in the Program
- g. As a minimum level of accessibility, teleworkers are

expected to check and respond to office inquiries, supervisors and/or customers by telephone, e-mail, voice mail, or other communications media at least twice a day or more frequently as otherwise directed by the supervisor or as dictated by other set priorities and circumstances during their normally scheduled work hours.

- h. Supervisors may use the Telework Assignment Form, SSS Form 743, (Appendix C-5) to validate work performed for the duration of the telework day. The form provides documentation of the work assigned to the employee and any deliverables expected upon the employee's return to their official duty station. The form may be used to document one day's anticipated work or some other agreed period.
- i. Managers are responsible for addressing the issue of "office coverage" and the scheduling of telework days to ensure sufficient personnel are present in the office.

(7) Selection/Approval Process

- a. Employees voluntarily request to participate in the Program by submitting SSS Form 744, Request to Participate in the SSS Telework Program (Appendix C-1) to their immediate supervisor along with the Employee Telework Assessment Questionnaire (Appendix C-2) and the self-survey safety checklist (Appendix C-3).
- b. The employee's supervisor will conduct an assessment interview with the employee to determine if their participation in the Program is appropriate for the employee's job performance and the office mission. The supervisor will communicate to the employee their decision to recommend approval or disapproval to the reviewing official.
- c. The reviewing official will make the final decision.
- d. Concurrence from the Human Resources Division (SPT/HR) is necessary on all requests to ensure eligibility per paragraph (8). A copy of the Request Form (Appendix 01) and signed Agreement (Appendix C-4) will be forwarded to SPT/HR for record purposes.

(8) Eligibility Criteria

An employee's request will be reviewed based on the nature and content of the job and the following criteria. If the employee's job, conduct and performance meet the following criteria, then a

program work arrangement may be approved.

- a. The employee's current rating of record must be Fully Successful or better.
- b. The employee is not on leave restriction.
- c. The employee is not on a Performance Improvement Plan (PIP).
- d. The employee has not received any disciplinary or adverse action in the last 12 months.
- e. Supervisors may determine if employees in a probationary period or a trainee position are allowed to telework.
- f. The employee's ability to perform work and achieve expected productivity does not require:
 - 1. Daily use of specialized equipment or technology that is available only at the official duty station;
 - 2. Personal face-to-face contact with co-workers, managers, and/or customers on a constant basis; or,
 - 3. Close supervision.
- g. The employee is not required to provide continued office coverage, answer phones, receive visitors, sort mail, perform motor vehicle services, or provide on-site support.

(9) Suspension or Termination of Eligibility

If, after an employee is granted eligibility to participate in the Telework Program, their conduct or performance should change so that they no longer meet the basic eligibility requirements, the supervisor, in consultation with the senior management official and SPT/HR may choose to suspend or terminate the employee's eligibility to participate in the Telework Program – this is a supervisory decision. Employees should be counseled as to expectations, as well as what must be done to re-instate eligibility.

(10) Decision on Request to Participate

- a. If the request is approved, the employee and supervisor will complete the SSS Telework Agreement (Appendix C-4).
- b. If the request is disapproved, the employee will be notified in

writing on the Telework Request Form, Appendix C-1, stating the reasons for the disapproval.

1. Disapproved requests will be routed to the Human Resources Division, SPT/HR, for review prior to communicating a disapproval decision to the employee. SPT/HR will review the request for consistency with Agency policy.
2. An employee whose request is disapproved by his or her supervisor may request reconsideration by the next higher-level official.
3. Should the request be disapproved at the next higher level, (typically, at the Associate Director, Region Director or Manager, DMC level) the employee will not be offered any additional reconsideration rights.

(11) Hours of Duty

- a. The hours of duty while teleworking will normally be the same as when working at the official work site unless otherwise agreed to by the supervisor. Employees must be available for contact by, or in communication with, their supervisor (and others) via telephone, e-mail, voice mail, or other communications media during core times or as directed by their supervisor. As telework becomes routine for more employees, supervisors should be aware that contact issues may arise that could require their intervention to assist in "normal" communications.
- b. The supervisor has the right to direct teleworkers to report to the official duty station due to special circumstances, including, but not limited to: office assignments, meetings and/or training classes. These should be planned in advance to give the teleworker advance notice to travel to the official duty station during the regular commuting time. When the employee is scheduled for a full workday at the telework site and receives notification to report to the official duty station too late to travel during normal commute times, travel time will be counted as hours of work. The Agency will not reimburse transportation costs to the duty station on a day usually scheduled for teleworking.

(12) Time and Attendance

- a. The existing rules on overtime under Title 5 U.S.C and the Fair Labor Standards Act (FLSA) apply to telework

employees. Employees may not work overtime or receive compensatory time without prior approval (refer to PPPM Chapter 510). Typically, employees will not be granted or earn overtime/comp time when teleworking.

- b. Annual and sick leave must be requested by a teleworker in the same manner as it would be for employees not engaged in teleworking activities (refer to PPPM Chapter 630).
- c. The supervisor certifies time and attendance to ensure that teleworkers are paid for work performed and account for absences from scheduled hours of duty.
 - 1. Supervisors will ensure that the employee's telework schedule is properly coded each pay period. Telework time is presently coded as a normal workday; however, a comment needs to be added in the Remarks Section to annotate that the employee was teleworking. (NOTE: Once the telework process is in real operation, SPT/HR will request a new time code from the Pay and Personnel Center.)
 - 2. The General Accountability Office (GAO) requires agencies with employees working at telework sites (residence) to provide reasonable assurance that the teleworkers are working when scheduled. For example, when determining the reasonableness of work output for the time reported or spent, the supervisor may require the employee to report in via telephone or e-mail. The supervisor will decide what reporting method to use for their employee's teleworking.

(13) Space, Equipment, Security and Services

- a. Typically, employees who wish to participate in the Program may use their personal computer to log onto the Agency's network to complete work as well as to act on and send e-mail.
- b. The Agency will make a good faith effort to reasonably provide the necessary equipment, supplies, and services required for employees who participate in the Program on an ad hoc basis or for special projects for those who do not own computers. Supplies, such as paper, may be distributed for use when teleworking, with the supervisor's approval and control.

- c. A home computer is not a requirement to participate in the Program. Full-time employees who do not have a home computer should check with the Information Technology Division for a possible Agency-sponsored computer.
- d. Program sites must have adequate workspace, lighting, telephone service, power, and adequate security. Employees must self certify work-site suitability on the SSS Safety Checklist (Appendix C-3). (Note: cellular telephone service is not required.)
- e. Teleworkers must comply with all security measures and disclosure provisions, including password protection and data encryption so that the Privacy Act or other security standards are not compromised.
- f. Teleworkers must protect all government records and data against unauthorized disclosures, access, mutilation, obliteration, and destruction.
- g. Teleworkers will not remove classified or Agency sensitive material from their official duty stations.
- h. Teleworkers must ensure that reasonable care is used when operating Agency equipment. Use of any Government-owned property by employees in their private residence must be consistent with Agency guidelines. The Government retains ownership and control of equipment provided to the employee for use at the telework site and is responsible for its maintenance, repair and replacement. However, the employee may be held financially liable if the equipment is lost, stolen or damaged because of negligence, misuse or abuse.
- i. The employee must agree that the Agency has the right to inspect the home work site to ensure its suitability prior to final approval of Program participation. Reasonable advance notice will be given (not less than two workdays in advance of the inspection.) Another inspection may be made if there are changes to the home/work site that necessitate another inspection.
- j. Teleworkers must comply with the provisions outlined in the Agency policies related to the purpose and use of government or Agency owned computer equipment.

(14) Other Provisions

- a. The Agency and the Office of Personnel Management (OPM) recognize the importance of the teleworker in maintaining the continuity of government operations in an emergency. During unforeseen circumstances, the Agency may request some or all of its teleworkers continue to work at their alternative worksite or on any other regularly scheduled workdays during emergency situations when the agency is closed. A major benefit of any Telework Program is the ability of telework employees to continue working at their alternative work site during a disruption of government operations, e.g., office closure due to a major snowstorm.
 - 1 The Agency has established an IT environment that ensures authorized access to the network system from any location. This benefits teleworkers who will be familiar with remote operating procedures.
 2. Telework Center is defined as a multi-agency site that provides a geographically convenient office setting as an alternative to the Federal employee's main office. Federal telecommuting centers also serve as conveniently located administrative support centers for home-based teleworkers. (Space at a Telework Center will be subject to availability of SSS funds.)
- b. When an emergency affects only the telework site (residence) for a major portion of the workday, the teleworker shall be required to consult with his or her supervisor and get instructions as whether to report to the official duty station or request annual leave or leave without pay (LWOP) for this period of scheduled work. The teleworker shall not be excused unless he or she cannot perform work due to the closure of the employee's official duty station. When the official duty station office and the telework site (residence or other alternate work site) are affected by a widespread emergency (e.g., power failure) the Agency shall grant the Teleworker excused absence identical to that given to employees at the official work site.
- c. The Agency will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities) associated with remote operating procedures and/or the use of the telework site. The teleworker does not relinquish any entitlement to reimbursement for appropriately authorized expenses incurred while conducting business for the Agency as provided for by law and regulations (e.g., long

distance telephone calls, faxes, copying). To the extent possible, teleworkers should make official long distance calls from the official work site where less expensive rates apply. This practice will be used to reduce any additional costs associated with teleworking to the Agency. As appropriate, those teleworkers who have a need to routinely make official long distance telephone calls will be issued a Government Long Distance Credit Card for official use only.

- d. Teleworkers are covered by the Federal Tort Claims Act and the Federal Employees Compensation Act. They can qualify for continuation of pay or worker's compensation for on-the-job injury or occupational illness incurred at the telework site in connection with job assignments. A Telework Agreement and Safety Checklist must be on file with SPT/HR. A teleworker should follow the same procedures adhered to in the traditional office setting when injured while working at a telework site (residence). The injured employee must notify their supervisor immediately and complete standard Department of Labor injury forms.

(15) Responsibilities

The Human Resources Officer or his/her designee is the Agency's designated Telework Program Coordinator. In this capacity, SPT/HR will develop and execute an implementation plan that addresses several key issues, including:

- a. Provide routine and recurring training for supervisors and employees on the basic elements of the program, supervisory responsibilities, employee responsibilities, eligibility issues, and productivity and accountability issues. (NOTE: The Agency's on-line training program, Go-Leam, has courses related to telework and must be taken by any aspirant telework employee.)
- b. Establish regular reporting mechanisms for training and evaluating teleworkers.
- c. Establish measurable goals including a 100 percent review of all billets and a determination of job-related eligibility.
- d. Develop measurable goals.
- e. Track and measure data to enable program evaluations annually.
- f. Evaluate and update the program, as needed.

BLANK

APPENDIX A – 1

EMERGENCY DISMISSAL AND CLOSURE PROCEDURES
FOR FEDERAL EMPLOYEES

EMERGENCY ANNOUNCEMENT	WHAT THIS ANNOUNCEMENT MEANS	ADDITIONAL GUIDANCE
1. OPEN - The Federal Government is open; employees are expected to report for work on time.	Federal agencies will open on time, and employees are expected to report for work as scheduled.	Agencies may grant a reasonable amount of excused absence to employees who are unavoidably delayed in arriving for work. Factors such as distance, availability of transportation, and the success of other employees in similar situations should be considered in determining the amount of excused absence to grant. Employees are responsible for notifying their supervisors of their situation.
2. UNSCHEDULED LEAVE - Federal agencies are open but are operating under an Unscheduled Leave policy; employees may take leave without prior approval.	Federal agencies will open on time, but employees not designated as "emergency employees" may take annual leave or leave without pay (LWOP) without the prior approval of their supervisors. Employees designated as "emergency employees" are expected to report to work on time.	Employees should inform their supervisors if they plan to take annual leave or LWOP.
3. ADJUSTED HOME DEPARTURE - Federal agencies are open but are operating under an Adjusted Home Departure policy. Employees are requested to leave home # hours later than their normal departure time.	Federal agencies will open on time, but non-emergency employees should adjust their normal home departure time consistent with the announcement, and non-emergency employees who arrive late will be excused without loss of pay or charge to leave. Employees designated as "emergency employees" are expected to report for work on time.	

EMERGENCY ANNOUNCEMENT	WHAT THIS ANNOUNCEMENT MEANS	ADDITIONAL GUIDANCE
<p>4. DELAYED ARRIVAL/ UNSCHEDULED LEAVE - Federal agencies are open but are operating under a Delayed Arrival/ Unscheduled Leave policy. Employees should plan to arrive for work hours later than the normal arrival time, and employees may take leave without prior approval.</p>	<p>Federal agencies will open on time, but non-emergency employees should adjust their normal home departure time consistent with the announcement, non-emergency employees who arrive late will be excused without loss of pay or charge to leave, and employees not designated as "emergency employees" may take annual leave or LWOP without the prior approval of their supervisors. Emergency employees are expected to report for work on time.</p>	<p>Employees must inform their supervisors if they plan to take annual leave or LWOP.</p>
<p>5. CLOSED-"Federal agencies are closed.</p>	<p>"Employees not designated as "emergency employees" are excused from duty without loss of pay or charge to leave. Employees designated as "emergency employees" are expected to report for work on time.</p>	<p>Workdays on which a Federal activity is closed are non-workdays for leave purposed. Employees who are on approved leave before the closure must be granted excused absence. This does not apply to employees on LWOP, military leave,</p>
<p>6. EARLY DISMISSAL - Federal agencies are operating under Early Dismissal Policy. Employees will be dismissed by their agencies # hours earlier than their normal departure time from work.</p>	<p>Employees are dismissed by their agencies relative to their normal departure times from work. Example: if a 3-hour "early dismissal" policy is announced, workers who normally leave their offices at 4:00 p.m. should leave at 1:00 p.m. Employees who must leave work earlier than their official dismissal time will be charged annual leave or LWOP from the time of their departure through the remainder of the scheduled workday. Employees on pre-approved leave will be charged leave for the entire day...</p>	<p>Emergency employees are expected to remain at work</p>

Statement of Compliance
with Rules of the Compressed Work Schedule Program


Employee Name _____

I have read and understand thoroughly the policies and procedures governing this program as outlined in Selective Service PPPM Chapter 610. I understand that I must abide by all of the rules in the Directive, and I also understand that:

1. My tour of duty or working hours must be approved by my supervisor.
2. I am to be on duty for the entire tour of duty each day, except for lunch periods.
3. If the requirements of my position change; or if it is determined that I can no longer participate in CWS for the good of the Agency, I will be required to withdraw from the program within 30 calendar days.
4. If other Agency employees are excused for any reason on my regular day off, I will not receive nor be entitled to any commensurate time off.
5. My regular day off may be changed only by my supervisor for reasons of workload and for the good of the Agency.
6. My supervisor may remove me from this program due to abuse of the program or for excessive or abusive use of leave.

Signature _____ Date _____

This statement should be retained by the supervisor with copies to the employee and to the Human Resources Division.

 REQUEST TO PARTICIPATE IN SELECTIVE SERVICE SYSTEM TELEWORK PROGRAM													
EMPLOYEE IDENTIFICATION													
EMPLOYEE'S NAME (Last, First, MI):	SOCIAL SECURITY NO:												
OFFICIAL POSITION TITLE:	DIRECTORATE:												
PAY PLAN, SERIES, and GRADE:	SUPERVISOR'S NAME:												
NATURE OF REQUEST													
<input type="checkbox"/> Workplace Flexibility <input type="checkbox"/> Medical Accommodation <input type="checkbox"/> Other (Periodic, Ad Hoc)													
STATEMENT OF PARTICIPATION													
I wish to participate in the Selective Service System Telework Program. I have read the Agency policy and will comply with the regulations governing this benefit. I understand that my supervisor may cancel my participation at any time due to performance, attendance or organizational needs.													
EMPLOYEE SIGNATURE AND DATE: _____ Date: ____/____/____													
PERIOD OF PARTICIPATION													
Indicate the number of days you wish to participate (NTE 1-2-3-4-5-6 days per pay period) _____ Indicate the day of the pay period weeks you wish to participate: (Circle Day(s))													
<table border="1" style="margin: auto;"> <tr> <td>First Week</td> <td>M</td> <td>T</td> <td>W</td> <td>Th</td> <td>F</td> </tr> <tr> <td>Second Week</td> <td>M</td> <td>T</td> <td>W</td> <td>Th</td> <td>F</td> </tr> </table>		First Week	M	T	W	Th	F	Second Week	M	T	W	Th	F
First Week	M	T	W	Th	F								
Second Week	M	T	W	Th	F								
Indicate the hours of duty requested: _____ to _____													
Remarks/Explanation:													
APPROVAL													
<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;"></td> <td style="width: 20%; text-align: center;">Signature</td> <td style="width: 20%; text-align: center;">Date</td> </tr> <tr> <td> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> SUPERVISOR: </td> <td></td> <td></td> </tr> <tr> <td> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> ASSOCIATE DIRECTOR/DIVISION CHIEF: </td> <td></td> <td></td> </tr> </table>			Signature	Date	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> SUPERVISOR:			Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> ASSOCIATE DIRECTOR/DIVISION CHIEF:					
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SSS Form 610 (UPDATED JULY 05)



SELECTIVE SERVICE SYSTEM EMPLOYEE TELEWORK ASSESSMENT QUESTIONNAIRE

The following questionnaire is to be used as a guide for evaluating an employee's potential for successful participation in Telework Program (the "Program"). The sole purpose of this document is to assess an individual's work characteristics, work habits and competencies to ascertain whether he/she would successfully work in a remote or alternative location. It should not be used for purposes of a progress review or performance rating.

The manager should answer the following questions for each employee who indicates a desire to participate in the Program, regardless of the level of participation desired. The manager will discuss the completed questionnaire with the employee. The manager should give the employee a copy of the questionnaire to complete in advance of this discussion. Once the discussion has taken place and agreement has been reached by both the employee and the manager on the responses to the questionnaire, a copy of the completed questionnaire should be provided to the employee. In addition, a copy of the completed questionnaire should be forwarded to SPT/HR for the file and a copy will be placed in the employee's office personnel folder. The questionnaire is completed initially to determine who will be allowed to participate in the telework program. Thereafter, the questionnaire should be performed on an annual basis or sooner if circumstances change.

Remember this assessment provides an indication of the likelihood of an employee's success for participation in the Program, and not an indication of the employee's performance. Managers should evaluate office coverage, mission goals and specific employee job functions and limit the level of participation for their office accordingly.



SELECTIVE SERVICE SYSTEM EMPLOYEE TELEWORK ASSESSMENT QUESTIONNAIRE

Date: ____/____/____

Employee Name: _____

Office Name: _____

Employee Position: _____

1) Provide a brief summary of employee's duties and responsibilities.

2) Evaluate the following work characteristics according to the employee's existing job function.

(place a check under the appropriate column)

CONDITION	LOW	MEDIUM	HIGH
Clarity of goals and objectives for the position. (i.e., are there definitive tasks and deliverables?)			
The need to schedule face-to-face contact (meetings, briefings, etc.) with co-workers, team members or supervisor on certain days of the week.			
Degree to which communications can be accomplished using mail, e-mail, faxing, electronic file transfer.			
Ability to control workflow or schedule.			
Reliability of technology (communication lines, fax machines, computers, etc.) to support employee when teleworking.			

NOTE: If your responses were primarily in the medium to high columns, this employee is likely to be a successful teleworker.

3) Evaluation of the following work characteristics according to the work products and services provided by the employee.

(place a check under the appropriate column)

CONDITION	LOW	MEDIUM	HIGH
Degree work provided lends itself to being produced/provided at an off site location?			

Degree work products or services can easily be measured by supervisor upon return to their permanent duty station?			
Degree work products, deliverable or services can be conducted at a telework site if the employee had the necessary equipment at the telework site? (i.e. PC, telephone, modem, DSL, fax machine, printer, e-mail, or software such as: Word, WordPerfect, Excel, PowerPoint, Visual Basic, etc.			

NOTE: If your responses were primarily in the medium to high columns, this employee is likely to be a successful teleworker.

4. Evaluate the following work characteristics according to the employee's existing job function.

(place a check under the appropriate column)

CONDITION	LOW	MEDIUM	HIGH
Amount of in office face-to-face contact required.			
Amount of in-office reference materials or other resources required.			
Impact on office when employee is teleworking.			

NOTE: If your responses were primarily in the low to medium columns, this employee is likely to be a successful teleworker.

5. Evaluate the employee's work style and level of performance characteristics.

(place a check under the appropriate column)

CONDITION	LOW	MEDIUM	HIGH
Level of job knowledge.			
Experience on current assignment.			
Level of organizing and planning skills.			
Need for supervisor and/or frequent feedback.			
Self-discipline regarding work.			
Reliability concerning work hours.			
Level of productivity.			
Quality of work product.			
Computer literacy.			
Flexibility			

NOTE: The response ratings to the questions above depend on the critical nature of the work style and performance characteristics of the employee's existing job. If the responses were primarily in the medium to high columns, this employee is likely to be a successful teleworker.

6. List type of work products, deliverables or services that will be performed.

Are the above duties suitable for a telework environment?

YES _____ NO _____

7. Evaluate the employee's work style and level of performance characteristics.

(place a check under the appropriate column)

CONDITION	LOW	MEDIUM	HIGH
Resistance to change.			
Need for interpersonal office contact.			
Importance of your co-worker's input to your job performance and/or the successful completion of your work products or services.			

NOTE: If your responses were primarily in the low to medium columns, this employee is likely to be a successful teleworker.

8. Does this employee work with information, data or materials requiring secure or special handling?

YES _____ NO _____

9. Supervisor's willingness to let this employee participate in the telework program.

- (a.) _____ Not willing
 (b.) _____ Have reservations (but willing)
 (c.) _____ Completely willing

10. If 9 (a) or 9 (b) was checked above, please state reason for rating below.

 Supervisor's Signature

 Date

 Employee's Acknowledgment

 Date

SAFETY CHECKLIST AND GUIDELINES FOR HOMEBASED TELEWORK PARTICIPANTS

The following checklist and workstation design and inspection guide is designed to help you assess the overall safety of your alternate work site. Please review the checklist and guide before signing the Telework Agreement (Appendix C-4). If you answer no to any of the questions, you cannot participate in the Program until you are able to provide a positive response (YES). If you have any questions regarding the checklist or guide, please contact the Manager, Logistics Division, Support Services Directorate (SPT/LO).

A. WORKPLACE ENVIRONMENT

	YES	NO
1. Are temperature, noise, ventilation, and lighting levels adequate for maintaining your normal level of job performance?	<input type="checkbox"/>	<input type="checkbox"/>
2. Are all stairs with 4 or more steps equipped with handrails?	<input type="checkbox"/>	<input type="checkbox"/>
3. Are all circuit breakers and/or fuses in the electrical panel labeled as to intended service?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do circuit breakers clearly indicate if they are in the open or closed position? (Does not apply to older electrical panels that use fuses.)	<input type="checkbox"/>	<input type="checkbox"/>
5. Are all electrical equipment free of recognized hazards that would cause physical harm (frayed wires, bare conductors, loose wires, exposed wires to the ceiling)?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the building's electrical system permit the grounding of electrical equipment?	<input type="checkbox"/>	<input type="checkbox"/>
7. Are aisles, doorways, and corners free of obstructions to permit visibility and movement?	<input type="checkbox"/>	<input type="checkbox"/>
8. Are file cabinets and storage closets arranged so drawers and doors do not open into walkways?	<input type="checkbox"/>	<input type="checkbox"/>
9. Are chair casters (wheels) in good condition and are the rungs and legs of the chairs sturdy?	<input type="checkbox"/>	<input type="checkbox"/>
10. Are the phone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard?	<input type="checkbox"/>	<input type="checkbox"/>
11. Is the home office space free of excessive amounts of combustibles?	<input type="checkbox"/>	<input type="checkbox"/>

- | | | | |
|-----|---|--------------------------|--------------------------|
| 12. | Are floor surfaces clean, dry, level, and free of worn or frayed seams? | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. | Are carpets well secured to the floor and free of frayed or worn seams? | <input type="checkbox"/> | <input type="checkbox"/> |

B. COMPUTER WORKSTATION

- | | | YES | NO |
|-----|---|--------------------------|--------------------------|
| 1. | Is your chair adjustable? If not, is your chair comfortable and at the proper height to ensure your forearms are close to parallel? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. | If you answered yes to question 1, then do you know how to adjust your chair? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. | Is your back adequately supported by a backrest? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. | Are your feet on the floor or fully supported by a footrest? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. | Are you satisfied with the placement of your monitor and keyboard? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. | Is it easy to read the text on your monitor? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. | Do you have a document holder? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. | Do you have enough leg room at your desk? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. | Is your monitor free from noticeable glare? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. | Is the top of the monitor at eye level? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. | Is there space to rest your arms while not typing? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. | Are your wrists fairly straight when typing? | <input type="checkbox"/> | <input type="checkbox"/> |

C. WORK STATION DESIGN AND INSPECTION GUIDELINES

The following information can be applied to any alternative work arrangement. It is provided to assist you in designing, establishing, adjusting, and/or inspecting your workstation at the alternative work site. An adequate workstation should be safe, comfortable and facilitate your job performance.

The following guide will familiarize you with many of the desirable aspects as well as hazards in an office work environment. If you suspect that something is hazardous, but are not sure, you can contact the Manager, Logistics Division, Support Services Directorate, (SPT/LO) for

assistance. It is recommended that you maintain this Guide as a reference.

WORKING OR WALKING SURFACES

Surfaces should be level and free of tripping, bumping, or slipping hazards. Things to look for include: torn carpet; electrical or telephone cords in walkways; partition support brackets, waste baskets, portable heaters, fans, etc. placed in walkways; file cabinet drawers and/or bookcase doors that open into an aisle; miss-aligned furniture; temporary or permanent storage that narrows or obstructs aisles; doors that open into aisles or narrow halls, etc.

ELECTRICAL SAFETY

There are numerous safety considerations involved in the use of electrically powered equipment and appliances. These center around three hazards-shock, burns, and fire.

Grounding: Generally most homes are provided with three-wire grounded electrical outlets. You should look for cracked or broken outlets, missing covers, which expose the wiring or signs of arcing or burns around the outlet.

The subject of grounding for office type equipment is difficult to cover in this amount of space. As a general rule, if an appliance comes from the manufacturer with a three-prong plug, the ground pin should not be broken off. Nor should the device be used ungrounded via a two-prong adapter or extension cord. Large appliances, such as refrigerators, computers, paper copiers, as well as heating devices such as coffee pots and hot plates should be grounded. If you have any doubt about a particular device, contact the Logistics Manager, Logistics Division (SPT/LO) for assistance.

Electrical Cords: Appliance and equipment cords should be checked on a regular basis for proper connection to the device, frayed or damaged insulation, defective plug, and exposed wires. The use of extension cords in a workplace should be limited and closely controlled. Extension cords are to be used only on a temporary basis. If the condition where they are used calls for a long term use, then electrical outlets should be moved or added, or other corrective action taken.

Try rearranging the furniture or adding additional electrical outlets before using extension cords. When they are used, they should be of the same or larger wire size as the cord being extended and have a compatible connector plug. If an adapter is needed to connect the device to an extension cord, the wrong extension cord is being used. **Caution:** Extension cords must never be draped over furniture, partitions, equipment, or extended across aisles, walkways, doors, walls, or ceiling, or located under carpeting.

Electrical Outlets: A major cause of fire is overloaded electrical circuits. This usually occurs through the use of multiple outlet adapters or extension cords with a multiple outlet connector. Limit the number of devices connected to any outlet to the number of receptacles provided by the outlet. A qualified electrician should properly install additional outlets, if needed.

ELECTRICAL EQUIPMENT

There is not really too much you can inspect on electrical equipment without some special training and testing equipment. You can, however, determine that it is properly connected with a cord that is in good condition, that the device is not generating excessive heat, and that it is operating as intended.

FIRE PROTECTION

Fire protection and suppression take many forms. Some of the most easily recognized are: fire

extinguishers; alarm systems; fire hoses and stand pipe systems; smoke detectors; sprinkler systems; and heat detectors. Where they exist, all must be maintained in proper working order at all times to ensure safety.

STORAGE

Do not store any items on top of tall furniture or cabinets. A good practice is to limit storage height to maintain a minimum of 18 inches clearance from the ceiling, light fixtures, and other electrical equipment.

HEATERS

Care should be exercised when using portable heaters. Be sure that the heating element is guarded against accidental contact, positioned away from furniture or other combustibles, and that a tip-over switch cuts off electrical power to the heating element if the heater is knocked over. This feature could prevent the heater from starting a fire. Kerosene heaters should not be used in the home.

COFFEE POTS OR SIMILAR ITEMS

Coffee pots and similar items should be placed out of normal walk areas and on a noncombustible surface. Never place such a device in a storeroom, closet, or other location where it cannot be observed, because it might smolder, start a fire, and spread before being detected. Should an electrical short-circuit occur, quick action (turning power off) is necessary to prevent fire. Be sure that all of these types of electrical equipment are turned off at the end of the day. Use of immersion-type water heaters, for coffee or teacups, should be avoided.

RADIATORS

Some older homes use radiators for heat instead of the more modern forced air systems. If your work area has radiators, be sure not to place combustibles or flammable articles on or near them. Also, ensure that electrical power cords are not allowed to drape across radiators.

WORKSTATIONS

In the office environment, the workstation consists primarily of a work surface of some type, a chair, video display terminals (VDT's) and other related items. Individual body size must be considered and will influence the design of the chair, the height of the work surface and access to various elements of the workstation, including the video display section. A height-adjustable work surface is an advantage. In general, a good VDT work surface will provide as many adjustable features as possible.

The following are some tips on the use and design of typical workstations:

- Sit up straight, keeping your neck as nearly vertical as comfortable. Improper neck, arm, and wrist positioning are typical causes for strains, other injuries, and discomfort.
- Position computer screen at an arms length from your face and slightly below eye level.
- Use pads or other devices to comfortably support your wrists when using a keyboard. Keep your arms and wrists straight.

VIDEO DISPLAY TERMINALS (MONITORS)

"Video Display Terminals", commonly referred to as VDTs or monitors, display information on a television-like screen. Due to the expanding use of VDTs, concerns have been expressed about their potential health effects. Complaints include excessive fatigue; eyestrain and irritation; headaches; stress; and neck, back, arm, and/or muscle pain. Other concerns include physical discomfort, cumulative trauma disorders, and potential exposure to radiation.

Visual impairment can result from improper lighting, glare from the screen, positioning of the

screen, or copy material that is difficult to read. VDT operators can reduce eyestrain by temporarily looking away from the VDT, doing eye exercises, switching to other work, or adjusting the brightness of the VDT screen.

VDT operators are subject to the risk of developing various musculoskeletal and nerve disorders, such as cumulative or repetitive motion disorders. Carpal Tunnel Syndrome (CTS), a cumulative trauma disorder, is caused by repetitive wrist-hand movement and exertion. When irritated, the tendons and their sheaths housed inside the carpal tunnel swell and press against the nearby median nerve. The pressure causes tingling, numbness, or severe pain in the wrist and hand. CTS can be reduced by stopping or limiting VDT activity, by maintaining proper posture, or, as a last resort, surgery.

THE DESK

The height of the work surface should be comfortable for typical uses (computer work, writing or reading). Conventional desk surfaces are usually about 29 inches high. The height recommended for a computing surface is approximately 26 inches.

THE CHAIR

The chair is probably the most important piece of furniture in your workstation. The seat should be adjustable and the height (measured from the floor) of the top surface of the seat should be 15 to 21 inches. The backrest should be adjustable (height and angle) and should provide support for the teleworker's lower back. Armrests should be substantial enough to provide support, but not so large as to be in the way.

LIGHTING

The lighting in your workstation can affect comfort, visibility, and performance. Whether you are using natural daylight or artificial lighting, it should be directed toward the side or behind your line of vision, not in front or above it. Bright light sources can bounce off working surfaces and diminish your sense of contrast.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2425
<http://www.sss.gov>

SSS TELEWORK AGREEMENT

1. **AGREEMENT.** The following constitutes an agreement between the Selective Service System and _____ on the terms and
 (Name, Organization, Phone number)
 conditions for the employee's participation in the SSS Telework Program as outlined in PPPM Chapter 610, SSS Telework Program, which is incorporated as part of this agreement.

2. **ALTERNATE WORK SITE**

The employee's alternate work site is typically their home (residence):

Street: _____

City, State, Zip Code: _____

Telephone Number: _____

3. **WORK SCHEDULE**

- a. The supervisor and employee agree to the following Telework schedule:

Number of days per pay-period: 1, 2, 3, 4, 5, 6 (Circle one)

Indicate days of the pay period week: First Week: M T W Th F

Second Week: M T W Th F

Work Hours: _____

- b. The supervisor and employee may agree to special telework schedules, as necessary and approved, for special projects.
- c. The employee agrees to report to the official duty station as required for training, conferences, mandatory meetings, and to receive assignments or review completed work on their telework day. The employee may be required to report to his or her official duty station for short duration to perform work, which cannot otherwise be performed at the telework site.

4. **TIME AND ATTENDANCE**

- a. Supervisors will provide a copy of this agreement to the employee's timekeeper and ensure that the employee's telework schedule is properly coded each pay period. The employee will be in a pay status while working at the approved alternate work site (residence).

- b. Established leave procedures remain in effect. By signing this agreement, the employee agrees to follow established procedures for requesting and obtaining approval of leave. Failure to follow these procedures may result in the termination of this agreement and dismissal from the Telework Program.
- c. Overtime/compensated time will typically not be earned on telework workdays. Overtime requires approval by an Associate Director; compensatory time requires supervisor's approval.
- d. The employee understands that while participating in this Program, he/she will be able to participate in more than one alternative work program. If the employee participates in the SSS Telework Program, he/she will be allowed to work a Compressed Work Schedule and may utilize the flextime option.

5. PROGRAM PROVISIONS

- a. SSS may terminate the agreement at any time for cause such as:
 - (1) Failure to meet the eligibility requirements set forth in the SSS Telework Program policy.
 - (2) Failure to adhere to the provisions of this agreement/program.
 - (3) Failure to accomplish measurable work assignments within the workday. Typically, supervisors will counsel employees on any performance issue and allow sufficient time for correction prior to terminating participation in the program.
 - (4) This agreement may be terminated by the employer or employee (without cause) with 5 days advance notice.
- b. The employee will apply approved safeguards to protect government records from unauthorized disclosure or damage and will comply with the Privacy Act requirements set forth in the Privacy Act of 1974 (5 USC 552a). All government provided equipment is for official business use only. Employees are prohibited from using such equipment for private purposes.
- c. The employee agrees that the government will not be responsible for operations, home maintenance, or any other incidental cost, such as utilities, associated with the use of the employee's residence if the residence is the approved alternative work site.
- d. Government employees suffering from work-related injuries and/or equipment or property damages at the alternative work site are covered to the extent provided by the Civilian Employees' Claims Act, the Federal Tort Claims Act, and the Federal Employees' Compensation Act (workers' compensation).
- e. The employee is responsible for ensuring the safety and adequacy of the home work place and for ensuring applicable building and safety codes are met. (Refer to the Safety Checklist, Appendix C-3). Provided the employee is given at least two days advance notice, the employee agrees to permit periodic home

inspections by the government during the employee's normal working hours to ensure proper work site conformance with safety standards and other specifications of this agreement.

- f. The employee's job performance will be appraised in accordance with the employee's performance plan.
- g. The Standards of Conduct continue to apply to employees at their approved alternative work site.

I AGREE TO THE TERMS AND PROVISIONS OF THIS AGREEMENT:

Employee's Name, Title, Signature _____
Date

RECOMMENDATION: ☐ **APPROVAL** ☐ **DISAPPROVAL** (provide reason)

Supervisor's Name, Title, Signature _____
Date

SPT/HR REVIEW: ☐ **CONCUR** ☐ **NON-CONCUR**


Human Resources Officer's Name, Signature _____
Date

APPROVAL: ☐ **APPROVE** ☐ **DISAPPROVE**

Associate Director's Name, Signature _____
Date

Additional comments:

A Copy of this Agreement must be provided to the Manager, Human Resources Division, SPT/HR.

 TELEWORK ASSIGNMENT FORM		
EMPLOYEE IDENTIFICATION		
EMPLOYEE'S NAME:	OFFICE:	
SUPERVISOR'S NAME:	TELEWORK DATE:	
WORK ASSIGNMENT		
ITEMIZED PROJECTS	WORK SUMMARY/ COMMENTS	STATUS OF PROJECT
ADDITIONAL COMMENTS/DOCUMENTATION: (Additional Documentation May Be Provided As An Attachment)		
CERTIFICATION OF WORK PERFORMED (To Be Completed Upon Employee's Return to the Office)		
_____ SUPERVISOR'S SIGNATURE	_____ EMPLOYEE'S SIGNATURE	
_____ DATE	_____ DATE	

SSS Form 611 (UPDATED JULY 05)

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Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: Personnel Policies and Procedures Manual (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: October 6, 2014

NUMBER: PPPM 74

1. This Change Notice transmits modifications to PPPM Chapter 610, the Selective Service System: Hours of Duty, Alternative Work Programs, and Telework Program. Page/language changes should be made as follows:

PAGE/PARAGRAPH

CHANGE/INSERT

Page 610-18; Paragraph 6.C.(6)(f)

Employees on a Compressed Work Schedule may not participate in regularly scheduled telework.

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete language/pages immediately in any convenient manner.

A handwritten signature in black ink, appearing to read 'Lawrence G. Romo'.

Lawrence G. Romo
Director

Distribution: 1-7, 30



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: Personnel, Policies and
Procedures Manual (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: June 22, 2015

NUMBER: PPPM 76

1. This Change Notice transmits modifications to PPPM Chapter 610-2, Paragraph 3, Work Schedules. Page changes should be made as follows:

PAGE/PARAGRAPH

INSERT

Page 610-2, Paragraph 3

E. SCHEDULED BREAKS

Compensable rest periods during the workday may be authorized for health and safety or efficiency reasons. Rest periods must not exceed fifteen (15) minutes during each four (4) hour period of work. They must not be scheduled immediately before or after lunch periods or at the start or end of a workday (Comp. Gen. B-1190011, dated December 30, 1977).


PAGE/PARAGRAPH

CHANGE

Page 610-2, Paragraph 3

E. to F. TRAVEL ON OFFICIAL TIME

2. File this Change Notice in the front of the PPPM Chapter 610 and delete/destroy the obsolete pages immediately in any convenient manner.


Lawrence G. Romo
Director



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: April 12, 2016

NUMBER: 78

1. This Change Notice transmits modifications to PPPM Chapter 630, the Selective Service System: Absence and Leave. Page and language changes should be made as follows:

AMEND

Page 630-30; Paragraph B

CHANGE TO

Region Directors and the DMC Manager may approve an employee's LWOP request for ten (10) days or less once within a six (6) month period. The COS or Associate Directors may authorize LWOP for less than 30 days. In cases where LWOP is substituted for properly requested and approved sick leave, this approval is not required. Requests for LWOP of 30 days or more must be approved by the Deputy Director.

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.



Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 630

ABSENCE AND LEAVE

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 630

ABSENCE AND LEAVE

1. PURPOSE

This Chapter establishes policies and procedures for administration of absence and leave for compensated civilian employees of the Selective Service System (SSS).

2. LEGAL AND REGULATORY BASIS

This Chapter implements the legal and regulatory requirements in 5 CFR Part 630 and other regulations issued by the Office of Personnel Management (OPM). SSS Fiscal Manual, Chapter 7, Personnel and Pay Processes, provides financial guidance. A list is included in Appendix A.

3. RESPONSIBILITIES

- A. Senior Staff members, Region Directors, and the Data Management Center (DMC) Manager are responsible for delegating leave approval authority to persons within their respective organizations. Generally, this authority is delegated to the lowest possible supervisory level, except as otherwise noted in this Chapter.
- B. The Chief of Staff (COS), as represented by the Human Resources (HR) Officer (HRO), is responsible for providing policy and procedural guidance in the administration of absence and leave.
- C. Supervisors authorized to approve leave are responsible for fair and equitable leave administration under this Chapter.
- D. Employees are responsible for familiarizing themselves with, and adhering to, the policies and procedures in this Chapter. This includes reporting to work as scheduled; on duty at all times during working hours, except for periods of lunch or breaks (as authorized by supervisors); excused absences and approved leave; and managing earned leave.

4. MINIMUM LEAVE CHARGE

Leave and/or absence requests are authorized in 15 minute increments.

5. ANNUAL LEAVE

Annual Leave Accrual Rates			
Employee Type	< 3 years of service	3 years but < 15 years of service	15 or more years of service
Full-Time Employees	4 hours/pay period	6 hours/pay period, except 10 hours in last pay period	8 hours/pay period
Part-Time Employees	1 hour for each 20 hours in pay status	1 hour for each 13 hours in a pay status	1 hour for each 10 hours in a pay status
Uncommon Tours	4 times average number of hours per biweekly pay period divided by 80 equals biweekly accrual rate	6 times average number of hours per biweekly pay period divided by 80 equals biweekly accrual rate	8 times average number of hours per biweekly pay period divided by 80 equals biweekly accrual rate
Senior Executive Service	8 hours for each pay period regardless of years of service		

Employees have a right to use annual leave. However, supervisors are authorized to ensure scheduled leave does not impede the office's mission. Supervisors should establish procedures to ensure adequate planning for annual leave by all employees. Employees should plan and request annual leave as far in advance as possible.

A. REQUEST FOR ANNUAL LEAVE

All annual leave, except for emergencies, must be requested in advance using the Quicktime time an attendance system or OPM Form 71, "Application for Leave or Approved Absence." An employee's leave requests must indicate the date and time, and the total hours of leave requested. Employees should not make commitments that require annual leave before the necessary leave is approved.

B. ACTION ON REQUEST

While leave requests are usually approved without delay, approval may be withheld for holiday planning or to ensure office coverage. In this situation, the supervisor and employee(s) should work together to arrange alternate leave dates. Except for emergencies, annual leave must be approved in Quicktime or on OPM Form 71 beforehand.

C. EMERGENCY ANNUAL LEAVE

When annual leave is requested for an emergency, the employee should contact the supervisor within the first two hours of the first business day of absence. If the employee is physically unable to contact the supervisor directly, he/she may have someone contact the supervisor on his/her behalf, then make personal contact as soon thereafter as possible. Failure to notify the supervisor may result in a charge of Absence without

Leave (AWOL). If the supervisor is not available the employee should contact the second level supervisor or higher until proper notification is made.

D. ADVANCE ANNUAL LEAVE

Annual leave is usually not advanced. In extreme cases, a properly justified request for an exception may be submitted through appropriate supervisory channels via the HRO to the COS, who will forward it to the Deputy Director of the Selective Service System for approval. Advanced annual leave will result in a negative leave balance until liquidated by earned leave, etc. Separating employees must repay negative leave balances from the final paycheck or retirement account(s).

E. ANNUAL LEAVE CEILINGS

Federal employees within the United States may carryover a maximum of 240 hours of annual leave at the end of the leave year. Federal employees returning from overseas may carryover a maximum of 360 hours in the year of their return to the United States. Members of the Senior Executive Service (SES) may carryover a maximum of 720 hours of annual leave at the end of the leave year.

F. RESTORATION OF LEAVE

(1) Administrative Error

Leave forfeited due to an administrative error will be retroactively restored. The HRO will determine if an administrative error was made.

(2) Operational Demands of SSS

There are two requirements to have annual leave restored under this provision: The first requires an operational demand of such importance as to preclude the use of scheduled annual leave. The second requires the annual leave to be scheduled and approved at least six weeks prior to the end of the leave year. The supervisor, with concurrence from the relevant Senior Staff member, Region Director, or Manager, Data Management Center (DMC) will determine if operational demands are of such importance employees cannot be excused from duty to use scheduled annual leave. This decision will normally be made in advance of the cancellation of scheduled leave. Requests to restore leave are coordinated through the Senior Staff member, Region Director, or Manager, DMC to the HRO.

(3) **Sickness Prevents Annual Leave**

Unused annual leave in excess of the maximum carryover scheduled for use before the end of the leave year may be restored at the request of an employee if illness prevented him or her from using annual leave. In such cases, the immediate supervisor must certify to the HRO that the period of sickness (or any other medical condition for which sick leave would be approved) interfered with scheduled annual leave that was scheduled and approved at least six weeks prior to the end of the leave year.

(4) **Requests to Restore Annual Leave**

Employees forfeiting annual leave under any of the above conditions may apply for restoration of annual leave. The application is forwarded by the appropriate Senior Staff member, Region Director, or Manager, DMC, via HRO to the COS for final concurrence. Requests may be prepared in memorandum format and include all documentation (i.e., Quicktime printout or a copy of the OPM Form 71) reflecting dates of leave request and approval, and a written explanation from the supervisor explaining why the leave could not be taken. The SSS Deputy Director is the authorizing official.

(5) **Separate Leave Account**

All restored annual leave is credited to a separate leave account maintained by HR. The amount of restored leave does not increase or change an employee's maximum permissible carryover of annual leave into a new leave year. The prescribed annual leave ceilings remain in effect for all employees. Appropriate records and administrative procedures to properly identify the separate leave account include: the date the leave was restored; the amount credited; the specific time period (dates) established to use restored leave; and a record of restored leave used with current balance. Unused restored leave is forfeited.

(6) **Time Limit to Use Restored Annual Leave**

All restored annual leave must be used no later than the end of the leave year two years following one of the following dates:

- a. The date of restoration of the annual leave forfeited because of administrative error;
- b. The date fixed as the termination date of the operational

demands of SSS that resulted in forfeiture of annual leave;
or

- c. The date an employee is determined to be recovered from the illness that prevented him/her from taking approved annual leave, provided the employee is able to return to duty.

G. TRANSFERS AND /OR SEPARATIONS

When a new employee is transferred to SSS from another government agency, HR will establish annual and sick leave balances for the employee based on the best available evidence when the employee reports (e.g., a copy of the most recent leave and earnings statement). Upon receipt of the "Record of Leave Data" (SF-1150), transferred leave will be credited to the employee's leave account.

- (1) Employees are entitled to payment, on separation from the government, for all annual leave credited to their leave account, including carryover balance; and unused restored annual leave maintained in a separate account.
- (2) A record of all annual leave, including restored annual leave, of employees transferring to other agencies will be forwarded to the gaining agency at the earliest possible date.

6. SICK LEAVE

Full-time employees accrue sick leave at the rate of four (4) hours for each pay period regardless of years of service. Part-time employees accrue one (1) hour of sick leave for each 20 hours in a pay status. Employees with uncommon tours of duty accrue leave at four (4) times the average of hours per biweekly pay period divided by 80.

An employee unable to report for duty due to sickness or a medical emergency will notify the supervisor within the first two hours of business on the first day of absence. If the employee does not notify his/her supervisor of the reason for his/her absence on the first day of absence, then the supervisor may charge the absence as AWOL. If the employee has a satisfactory reason for failing to provide the required notice, the AWOL may be changed to sick leave. Requests for sick leave for scheduled appointments for medical, dental, optical examinations, or treatments will be submitted for approval prior to the beginning of the leave. Sick leave may not be used for annual leave purposes.

A. SICK LEAVE CONDITIONS

Sick leave may be approved when an employee:

- (1) Receives medical, dental, optical examination, or treatments;
- (2) Is incapacitated for the performance of duties by physical or mental illness, surgery, injury, pregnancy, or childbirth;
- (3) Provides care for a family member (see paragraph 6.B.) as a result of physical or mental illness; a serious medical condition; injury; pregnancy; childbirth; or medical, dental, optical examination, or treatments;
- (4) Makes final arrangements for a family member or attends a funeral of a family member (see paragraphs 6.B. and 12);
- (5) Would, as determined by the health care authorities with jurisdiction, or by a health care provider, jeopardize the health of others by his or her presence on the job due to exposure to a communicable disease.

B. SICK LEAVE FOR FAMILY ILLNESS OR BEREAVEMENT

The definition of "family member" includes: Spouse; parents; parents-in-law; children; brothers; sisters; grandparents; grandchildren; step parents; step children; foster parents; foster children; guardianship relationships; same sex and opposite sex domestic partners. The list of family members for whom an employee may request sick leave for family care or bereavement purposes (and important associated definitions for the terms son or daughter, parent, domestic partner, and committed relationship) are listed in an OPM fact sheet: Definitions Related to Family Member and Immediate Relative.

- (1) The total amount of sick leave granted to an employee during a leave year for family illness or funeral arrangements (paragraphs 6.A(3) and 6.A(4)) may not exceed a total of 104 hours (or, for a part-time employee, the number of hours of sick leave normally accrued by an employee during a leave year).
- (2) To be granted sick leave for the purposes described in paragraphs 6.A.(3) and 6.A.(4), during a leave year in an amount exceeding a total of 40 hours (or, for a part-time employee, the average number of hours of work in the employee's scheduled tour of duty each week), the employee should retain a sick leave balance of at least 80 hours (or, for a part-time employee, an amount equal to twice

the average number of hours of work in the employee's scheduled tour of duty each week).

- (3) An employee's entitlement to use sick leave to care for a family member will be considered as available paid leave for the purpose of determining an employee's eligibility to become a leave recipient under the voluntary leave transfer program when a medical emergency involves a family member of the employee.
- (4) The total amount of sick leave granted to an employee during any leave year for purpose describe in 6.A., may not exceed 480 hours (or, for a part-time employee or for an employee with an uncommon tour of duty, an amount of sick leave equal to 12 times the average number of hours in his or her schedule tour of duty each week), subject to the limits describe in this section. If an employee has previously used the maximum amount of sick leave permitted under paragraph (1) and (2) of this section in a leave year, SSS will subtract that amount from the maximum number of hours authorized under this paragraph (480 hours) to determine the total amount of sick leave the employee may use during the remainder of the leave year to care for a family member with a serious health condition. If the employee has previously used the maximum amount permitted to care for a family member with a serious medical condition (480 hours) in the leave year, he or she may not be entitled to use additional sick leave under paragraph (1) and (2) of this section. Exceptions may be requested by forwarding requests with supporting medical and leave balance documentation to the HRO for review and COS approval.

C. REQUEST FOR SICK LEAVE

Employees should request sick leave for scheduled appointments or medical procedures in advance by Quicktime or OPM Form 71, and sick leave requests for elective surgery should be coordinated with the supervisor in advance. Oral requests will be documented by supervisor on OPM Form 71 and/or Quicktime pending the employee's return. Supervisors may request medical certificates for sick leave absences of more than three consecutive days, or if the supervisor suspects sick leave abuse. The employee may be required to provide a medical certificate or other evidence acceptable to the supervisor as the reason for the absence. The medical certificate must be on the doctor's official stationary and include the doctor's name, phone number, and address; a diagnosis or reason for absence; and an estimate of when the employee will be able to return to full-time duty.

D. ACTION ON REQUEST

Supervisors should approve properly documented sick leave requests without delay prior to the start of the leave.

E. EMERGENCY SICK LEAVE

Employees absent three consecutive workdays or less on sick leave are not, generally, required to submit medical certificates. See paragraph 6.C. for submitting sick leave requests and medical certificates. If an employee is on Leave Restriction, (see paragraph 17), the employee should follow the rules established by the Memorandum of Leave Restriction (Appendix A).

F. SICK LEAVE FOR ADOPTION

With proper documentation, SSS will grant sick leave for an employee absent from duty to adopt children, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.

G. LEAVE TO SERVE AS A BONE-MARROW OR ORGAN DONOR

By 5 USC 6327, employees are entitled to seven days of paid leave to serve as a bone marrow donor, or 30 days of paid leave to serve as an organ donor. This leave category is separate from annual or sick leave. Requests are submitted to the supervisor and must include a doctor's statement (see paragraph 6.C.) certifying the time needed and the type of donation. Decisions on these requests should be reviewed and approved by the HRO.

H. SAFEGUARDING MEDICAL INFORMATION

Information relating to an employee's personal or family medical history is privileged and must be safeguarded to ensure no one can access it, except as officially authorized and needed. An employee may submit confidential personal and/or family medical documentation directly to the HRO instead of a supervisor. In all cases, medical documentation must be (1) filed separately from personnel files to ensure confidentiality; and (2) returned to the employee or destroyed using a shredder approved for Personally Identifiable Information (PII) when no longer needed.

I. ADVANCE SICK LEAVE

Advance sick leave up to five (5) days may be approved by the Region Directors, the DMC Manager, or in National Headquarters by Senior Staff

members and division/office managers with the concurrence of the HRO. Advance sick leave of six (6) days or more requires the written approval of the COS prior to the beginning of the pay period in which the advance leave is used. When reviewing requests for advance sick leave, managers may consider an employee's years of service, leave management, past advance sick leave approvals, and if there are current negative leave balances. Persons with negative leave balances will not be granted advance leave.

(1) Limited to Serious Ailments or Disabilities

Advance sick leave is limited to cases of serious ailments or disabilities as determined by the officials authorized to approve leave.

(2) Accumulated Sick Leave Exhausted

The employee must exhaust available sick leave before advance sick leave is granted. Employees should be counseled to use annual leave that may be forfeited as it will not be restored if sick leave has been advanced.

(3) Limits on Advanced Sick Leave

The SSS may advance up to 240 hours (30 days) of sick leave to a full-time employee incapacitated from performing work duties by physical or mental illness, injury, pregnancy, or childbirth; for a serious health condition of an employee or a family member; when an employee has been exposed to a communicable disease; to adopt a child; or to care for a covered service member (see Family and Medical Leave Act provisions in paragraph 7).

The SSS may advance up to 104 hours (13 days) of sick leave to a full-time employee to receive medical, dental, or optical examination or treatment; to care for a family member incapacitated by a medical or mental condition or to attend to a family member receiving medical, dental, or optical examination or treatment; to provide care for a family member who has been exposed to a communicable disease; or for bereavement.

The maximum limit on advance sick leave is 240 hours or 30 days. Advance sick leave will result in a negative leave balance until the balance is liquidated by earned leave, etc. Separating employees must repay negative leave balances from the final paycheck or retirement account(s).

J. **TRANSFER AND CREDIT OF SICK LEAVE**

The transfer and credit of sick leave of an employee transferring to another agency and/or reinstatement is accomplished by HR under applicable regulations. An employee with a break in service is entitled to a credit of earned, unused sick leave (without regard to the date of separation), if he or she returns to Federal employment on or after December 2, 1994, unless the sick leave was forfeited upon reemployment in the Federal government prior to December 2, 1994.

7. **FAMILY AND MEDICAL LEAVE ACT (FMLA) LEAVE**

All persons employed in permanent positions at SSS with 12 months of Federal service are entitled to provisions set forth in the Family and Medical Leave Act. Provisions for coverage of temporary employees with more than 12 months of Federal service are contained in paragraph 7.B.

A. **DEFINITIONS**

(1) **Adoption**

The legal process in which an individual becomes the legal parent of another's child.

(2) **Continuing Treatment by a Health Care Provider**

One or more of the following situations where an employee or an employee's spouse, son, daughter, or parent is:

- a. Treated two or more times for an illness or injury by a health care provider;
- b. Treated two or more times for an illness or injury by a health care provider under the orders of, or on referral by, the individual's health care provider or is treated for an illness or injury on at least one occasion that results in a regimen of continuing treatment under the supervision of a health care provider to resolve the health condition; or
- c. Under the continuing supervision of a health care provider, but may not necessarily be actively treated by a health care provider, due to a serious long-term or chronic condition or disability that cannot be cured.

(3) FMLA Leave

An employee is entitled to 12 administrative workweeks (based on a 40 hour week) of unpaid leave for certain family and medical needs (see paragraph 7.B). This entitlement is in addition to paid leave available to an employee through other Federal laws or regulations.

(4) Foster Care

The placement and 24-hour care for children in substitution for, or away from, their parents or guardian. Such placement is made by or with the agreement of a state, as a result of a voluntary agreement by the parent or guardian; the child will be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves an agreement between the state and foster parent(s) to take the child.

(5) Health Care Provider

- a. A licensed doctor of medicine or doctor of osteopathy or a physician serving on active duty in the uniformed services designated by the uniformed service to conduct examinations.
- b. A person providing health services who is not a medical doctor, but is certified by a national organization and licensed by a state to provide the service.
- c. A Christian Science practitioner listed with the First Church of Christ Scientist, in Boston, Massachusetts.

(6) In Loco Parentis

Any individual who has day-to-day responsibility for the care and financial support of a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

(7) Parent

A biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child. Please note that "parents-in-law" are excluded from the FMLA definition of a parent.

(8) Reduced Leave Schedule

The work schedule is reduced from the usual number of hours of regularly scheduled work per workday or workweek of an employee. The number of hours by which the daily or weekly tour of duty is reduced, are counted as leave for the purpose of family or medical leave.

(9) Serious Health Condition

An illness, injury, surgery, impairment, or physical or mental condition that involves:

- a. Any period of incapacity or treatment immediately following or in connection with in-patient care in a hospital, hospice, or residential medical care facility.
- b. Any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves ongoing treatment by a health care provider.
- c. Continuing treatment by, or under the supervision of, a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.

(10) Son or Daughter

A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis who is:

- a. Under 18 years of age; or
- b. 18 years of age or older and incapable of self-care due to a mental or physical disability. A son or daughter who cannot care for one's self who requires active assistance or supervision to provide daily self-care in the activities of daily living (ADLs). ADLs include caring for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, mobility, taking public transportation, paying bills, maintaining a residence, using telephones and directories, and using a post office.

(11) Spouse

A husband or wife, as defined or recognized under state law for purposes of marriage, including common law marriage in states where recognized.

B. ENTITLEMENT TO FMLA LEAVE

(1) Full-time employees with at least 12 months of Federal service are entitled to 12 administrative workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- a. The birth and care of a son or daughter of the employee;
- b. The placement of a son or daughter with the employee for adoption or foster care;
- c. The care of a spouse, son, or daughter, or parent of the employee with a serious health condition; or
- d. A serious health condition of the employee that makes the employee unable to perform the essential functions of his/her position.

(2) Military Family Leave: Entitlements for a Federal employee who (1) is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) of a covered service member with a serious injury or illness and (2) provides care for such service member.

- a. The serious illness or injury must have occurred to the service member in the line of duty while on active duty in the Armed Forces.
- b. Family members are entitled to up to 26 weeks of FMLA leave during a single 12-month period to care for the service member.
- c. During a 12-month period, an employee is entitled to a combined total of 26 weeks of regular FMLA leave and military family leave. For example, if during a 12-month period an employee take 6 weeks of regular FMLA leave for the birth of a child, and military family leave to care for a service member, the 6 weeks of FMLA leave is subtracted from the combined entitlement of 26 weeks, leaving the employee with 20 weeks of military family leave to care for the service member.

- d. Using military family leave in a 12-month period does not limit using regular FMLA leave during another 12-month period. For example, if an employee uses 26 weeks of military family leave during a 12-month period, but has not used regular FMLA leave during that period, the employee is still entitled to use up to 12 weeks of FMLA leave immediately following the 12-month period.
- e. Similar to FMLA leave, military family leave is usually unpaid leave, but an employee may use accumulated annual or sick leave. The leave year limitation on using sick leave to care for a family member does not apply.

(3) Temporary Employees

- a. Temporary employees must have an appointment that exceeds one year and more than 12 months of Federal service. The 12 administrative workweeks is calculated on the average number of hours in the employee's scheduled workweek times 12. If the temporary or term appointment expires during the leave, the employee's employment will be terminated (and the leave will end) on the last day of the appointment. All other provisions and procedures of this policy are applicable to this group of employees.
- b. FMLA leave entitlement for intermittent employees (i.e., State Directors) and temporary employees (i.e., student hires) serving under appointments with a time limits of one year or less, or with a "not to exceed one year" appointment, are covered by Title I of FMLA and are subject to Department of Labor (DOL) regulations. These employees require at least 12 months employment with the Federal government and employment for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of FMLA leave. Thus, State Directors and student hires would typically not be entitled to FMLA.

C. ACCOUNTING FOR 12-WEEKS PER 12-MONTH ENTITLEMENT

- (1) The 12 weeks of allowed FMLA leave equals 12 times the average number of hours in an employee's regularly scheduled administrative workweek.
- (2) The 12-month period for calculating the 12-week entitlement begins on the date the employee invokes the entitlement to FMLA leave for a family or personal need and continues for 12 months. An

employee is not entitled to 12 additional workweeks of FMLA leave until the prior 12-month period ends and an event or situation occurs that entitles the employee to another period of FMLA leave.

- (3) The 12-week entitlement may begin prior to, or on the actual date of, the birth or placement for adoption or foster care of a child. Leave for birth or adoption should be taken within 12 months after the event.
- (4) FMLA leave to care for a family member or the serious health condition of an employee may be taken on an intermittent or reduced leave schedule when supported by medical documentation. FMLA leave taken intermittently or on a reduced leave schedule is subtracted, on an hour-for-hour basis, from the total amount of FMLA leave available to the employee.

D. SUBSTITUTION OF PAID LEAVE

FMLA leave is generally taken as leave without pay (LWOP). The following exceptions apply:

- (1) An employee may elect to use paid time off for any or all of the leave taken. Paid time off must be available and used under applicable law and regulation in the category requested. The following types of paid leave may be substituted: accrued, accumulated, or advanced annual and sick leave; leave available through the Leave Transfer or Leave Bank Program; or compensatory time.
- (2) The employee's right to substitute paid time off may not be denied.
 - a. An employee is not required to substitute paid time off for any or all of the FMLA entitlement.
 - b. An employee must notify his/her supervisor of his/her intent to substitute paid time off for LWOP prior to the beginning of the FMLA leave.
- (3) An employee may choose to not invoke FMLA until paid leave is exhausted.

E. REQUESTS FOR FMLA LEAVE

(1) Notice of Leave

- a. When an employee submits a request to his/her supervisor to invoke FMLA for foreseeable medical problems or the birth or placement of a son or daughter, the request should be submitted at least 30 days in advance of the requested time period. If the leave is for medical treatment, the employee should consult with his/her supervisor and make a reasonable effort to schedule the treatment to minimize the disruption of SSS operations.
- b. When a qualifying medical emergency or situation occurs and the FMLA request cannot be made within the 30-day notice period, the request to invoke FMLA, with supporting documentation, must be made by the employee, or person acting on his/her behalf, within 15 days of the qualifying family or medical emergency. Medical certification under such circumstances must also be submitted within the 15-day timeframe. Provisional leave may be provided pending medical certification. Failure to submit medical certification as required may result in disapproval of FMLA and in charges to other appropriate leave including AWOL.

(2) Documentation of Requests

All requests for FMLA are documented by submitting a Quicktime request or completing OPM Form 71. The employee's request for leave should be within the time limits stated. In the remarks area of the Quicktime request or OPM Form 71, the following information must be provided:

- a. Identify the leave as "FMLA" for family or medical leave for birth, adoption, or foster care; serious health condition of a spouse, son, daughter, or parent; or serious health condition of self. The employee and supervisor should document the beginning and ending dates of the employee's 12-month period of FMLA entitlement in the remarks section.
- b. If a Quicktime request is made, the medical certification is provided separately. If OPM Form 71 is submitted, the medical certification is attached to the form.
- c. In an emergency, the request may be provided by telephone, facsimile, email, or other electronic means. In these

situations, notice from an employee's spouse, family member, or other responsible party will suffice until the employee is able to contact the supervisor. When able, the employee should provide an explanation of the emergency to the supervisor and complete the procedures for requesting leave.

(3) Content of Medical Certification

Each request for FMLA must be supported by medical certification issued by the health care provider of the employee or the family member of the employee, as appropriate. See provisions in paragraph 6.H. for safeguarding medical information. Written medical certification must include items outlined in the FMLA Form, see link in section F, and the following items:

- a. The date the serious health condition began.
- b. The probable duration of the serious health condition.
- c. The appropriate medical facts within the knowledge of the health care provider regarding the serious health condition, including a general statement as to the incapacitation, examination, or treatment that may/will be required by a health care provider.
- d. To support FMLA requests to care for an eligible family member, a statement from the health care provider that the person requires psychological comfort and/or physical care; needs assistance for basic medical, hygienic, nutritional, safety, or transportation needs or in making arrangements to meet such needs; and would benefit from the employee's care or presence.
- e. A separate statement from the employee on the care to be provided and an estimate of the amount of time needed to care for a spouse, son, daughter, or parent, if applicable.
- f. To support FMLA requests for an employee's health condition, a statement from the employee's health care provider that the employee is unable to perform the essential functions of his or her position, based on written information provided by the SSS on the essential functions of the employee's position or, if not provided, discussion with the employee about the essential functions of his/her position.

- f. To support intermittent leave or a reduced leave schedule for planned medical treatment, the statement should include the dates such treatment is expected to be given and/or the duration of such treatment.

(4) Second Opinions

If it is necessary to validate the medical certification, the SSS HRO will direct the employee to complete a medical release form for the SSS contract medical authority; Federal Occupation Health (FOH). The medical authority will contact the employee's physician or health care provider for clarification in an effort to guide SSS on approval or disapproval of FMLA. Appropriate medical release forms will be provided by the practitioner(s).

(5) Review and Processing

Supervisors will review applications for FMLA according to procedures provided in this Chapter, and forward the application, with a recommendation on disposition, to the Senior Staff member, Region Director, or Director DMC for approval, subject to HRO concurrence.

(6) Written Decision

The supervisor or manager will provide the employee a written decision on the request not later than ten calendar days after all documentation is submitted.

(7) Inadequate Certification

If the employee is unable to provide medical certification before the leave begins, or if questions regarding the validity of the documentation are unresolved, SSS may grant provisional leave, pending final, acceptable certification. If, after the leave begins, acceptable certification is not provided, the employee may be charged AWOL or allowed to request annual or sick leave or LWOP, if appropriate.

(8) Medical Recertification

The SSS will usually not request recertification until the minimum duration of the period of incapacity has passed. However, an employee may be required to submit medical recertification from the health care provider on a periodic basis, normally, not more

often than once every 30 calendar days. Such recertification will be at SSS's expense. Medical recertification may be required more often than every 30 days if an employee requests an extension of the original leave period. Recertification could be prompted if circumstances described in the original medical certification change significantly or cast doubt upon the continuing validity of the medical certification.

(9) Return to Duty

As a condition of returning to duty, an employee may be required to provide written medical clearance from the health care provider that he/she is able to perform the essential functions of the position. Failure of the employee to provide the requested medical documentation may delay the return to duty.

(10) Protection of Employment and Benefits

Upon return to duty, the employee will be placed in the position occupied prior to using FMLA, or, if the position is not available, in a position equivalent in pay, status, and other terms and conditions of employment. If the employee's entitlement to the position changes while on leave because of a reduction-in-force or similar circumstances, the employee will be placed in the status required by these circumstances.

(11) Records

The HR Office will maintain all personnel and medical records to administer the FMLA program. Timekeepers should maintain leave requests with the employee's time and attendance records.

(12) FMLA Forms

Links to FMLA forms are contained in Appendix C.

8. ABSENCE FOR FAMILY OR PERSONAL ISSUES

A. DEFINITION

The definition of a family includes "parents-in-law" for non-FMLA leave purposes.

B. EMPLOYEE RESPONSIBILITY

Employees may request leave for family responsibilities and/or personal issues without invoking their entitlement to FMLA leave. Employees should request leave in advance if possible, particularly if the absence is for an extended period of time. This gives the supervisor time to plan for the absence. Examples include:

C. MATERNITY LEAVE

- (1) Pregnancy is a condition that requires an employee to be absent from work due to incapacitation. Absence for a normal delivery and recuperation is treated like any other short-term condition. However, complications of pregnancy may involve other, unforeseeable medical conditions that must be considered in granting leave.
- (2) Leave for maternity reasons may be a combination of three separate types of leave: sick leave, annual leave, or LWOP.
- (3) Accrued sick leave may be used throughout the maternity leave period. Advanced sick leave may only be used for the time required for physical examinations and the usual six (6) week period following delivery. A combination of annual leave and LWOP may be used for additional time off.
- (4) Supervisors may not set an arbitrary cutoff date for an employee to stop work unless physical or environmental factors prohibit the employee from performing the duties of the job. However, the supervisor and employee should develop a written leave plan with the date or time period for the leave to begin and the type(s) of leave to be used. If physical or environmental factors are involved, the employee should submit a medical certification signed by her doctor attesting to her ability to work.

D. PARENTAL LEAVE

A spouse/partner may request annual leave or LWOP to care for minor children or for the mother of a newborn child. Sick leave may be granted in accordance with paragraph 6.

E. LEAVE FOR ADOPTION

Adoption is a long process for a prospective parent. Supervisors should be flexible in granting leave during this process. Leave for adoption may be annual leave, sick leave, or LWOP.

F. CONTINUED EMPLOYMENT AFTER CHILDBIRTH OR ADOPTION

An employee returning to work following maternity or parental leave may return to the same position or one of like seniority and status and pay, unless termination is otherwise required by expiration of appointment, reduction-in-force, for cause, or for similar reasons unrelated to the maternity absence.

G. DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

It is the policy of SSS to support employees during times of crisis with leave and work schedule flexibilities. Although these may be private issues, they may occur in and impact the workplace. Supervisors should be aware that changes in an employee's behavior could be related to such matters.

9. MILITARY LEAVE

A. RELEASE FOR MILITARY DUTIES

Upon an employee presenting orders for duty, supervisors will ensure full cooperation in his/her release for military training purposes. Employees must advise their supervisors expeditiously of pending calls to active duty for one day or more.

B. LEAVE FOR MILITARY MEDICAL EXAMINATION

An employee taking a required armed forces medical examination to determine eligibility for enlistment or retention will be excused for the time required if the request is supported by official notification from the appropriate military authority. If more than one day is required, the relevant military enlistment processing station must justify the additional time.

C. GRANTING MILITARY LEAVE FOR ACTIVE DUTY/TRAINING

A full-time employee who is a member of the National Guard or Reserve component in any branch of the services is entitled to leave without loss of pay, time, or performance rating for active duty. This leave accrues at the rate of 15 days per fiscal year and, to the extent it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year or three years from initial accrual. Part-time employees accrue leave under this authority on a pro-rata basis by dividing 40 into the average number of hours in a regularly scheduled work week the employee works during that fiscal year.

D. MILITARY LEAVE FOR THE PURPOSE OF ENFORCING THE LAW

Title 5 U.S.C. 6323 authorizes agencies to grant military leave not to exceed 22 workdays in a calendar year, unless a longer period is authorized by law, for employees who are members of Reserve components or the National Guard called into either State or Federal service for the purpose of enforcing the law. This statute requires that amounts received for such military service other than travel, transportation, or per diem allowances be credited against the civilian pay payable to the employee for the period he/she is authorized military leave under this authority. Employees should forward a check for other reimbursements to the SSS Chief Financial Officer (CFO).

10. COURT LEAVE

Court leave is paid leave to serve as a juror or witness. Since jury duty is an important part of the American system of justice, work schedules should be adjusted accordingly. Requests by an employee or the employee's supervisor for the employee to be excused from jury duty are limited to emergency work situations. It is the policy of SSS to grant court leave under the conditions within the following limitations:

A. EMPLOYEE ELIGIBILITY

Based on 5 USC 6322, an employee summoned (or subpoenaed) to serve as a juror in a judicial proceeding, or an employee summoned as a witness in a judicial proceeding in which the Federal, State, or local government is a party is entitled to paid time off without charge to leave.

Permanent and temporary employees, who are full-time or part-time employees with a regular tour of duty, are entitled to court leave. Substitute, part-time, or intermittent employees without a regular tour of duty are not entitled to court leave. However, an employee appointed on a part-time or intermittent basis with a regularly scheduled tour of duty, may be granted court leave for jury duty or witness service performed during his/her tour of duty.

B. JURY SERVICE

(1) Use of Annual Leave

If an employee is on annual leave when called for jury service, court leave should be substituted. An employee on annual leave under advance notice of separation from service due to a reduction-in-force, who is summoned as a juror, is entitled to court leave until the date administratively fixed for his/her separation.

Substitute or intermittent employees without a regular work schedule, who are not entitled to court leave for jury service, may use annual leave or LWOP for jury service.

(2) Pay Status Requirement

An employee on LWOP may not receive court leave for jury duty since he/she is not in a pay status.

(3) Duration of Jury Service

An employee summoned to serve on a jury receives court leave for the entire period covered by the summons except instances in paragraph B (4).

(4) Interim Excuse from Jury Duty

Employees on court leave for jury service may be required to return to their duty station or be charged annual leave if excused from jury service for an entire day, unless the supervisor determines the requirement to return to work creates a hardship on the employee.

(5) Jury Fees

Based on 5 USC 5515, an employee called to jury service in a Federal, State, or local court may then collect all fees for jury services payable to him/her and submit them to the SSS CFO. Should an employee fail to forward such fees, the amount will be decremented from the employee's paycheck. Fees for travel or expenses may be retained by the employee.

C. WITNESS SERVICE

(1) Witness in Official Capacity

If an employee is summoned or assigned by SSS to testify in his/her official capacity or produce official records at a judicial proceeding, he/she is on official duty and entitled to regular pay.

(2) Witness in Non-official Capacity

If an employee is summoned as a witness in a judicial proceeding to testify in a non-official capacity on behalf of a State or local government, he/she is entitled to court leave during the time absent as a witness. When an employee is summoned or assigned by SSS to testify in a non-official capacity on behalf of the United

States (U.S.) government or the government of the District of Columbia, he/she is considered on official duty entitled to regular pay. If the witness service in a non-official capacity is on behalf of a private party, the employee's absence is charged to annual leave or LWOP.

(3) Overtime

An employee who performs witness service in an official duty status on days in which one would be entitled to overtime pay had one served in his/her work position is entitled to the overtime pay for those days.

(4) Fees

Employees are not entitled to witness fees when testifying on behalf of the U.S. or the government of the District of Columbia, except when such witness service is performed while on LWOP. If an employee testifies in an official capacity or produces official records on behalf of a State or local government or a private party, or if summoned as a witness in a non-official capacity on behalf of a State or local government, one is required to collect the authorized witness fees, to be credited against amounts payable to the employee by SSS. A check or other payment for such fees should be forwarded to the CFO. Fees for travel or expenses may be retained by the employee. An employee testifying in a non-official capacity on behalf of a private party may retain all fees and expenses related to such witness service.

(5) Travel Expenses

An employee is entitled to travel expenses in connection with any judicial or SSS proceeding to which the employee has been summoned (and is authorized by SSS to respond to such summons), or is assigned by SSS (1) to testify or produce official records on behalf of the U.S., or (2) to testify in his/her official capacity or produce official records on behalf of a party other than the U.S.

11. ADMINISTRATIVE LEAVE (EXCUSED ABSENCE)

A. AUTHORITY TO EXCUSE EMPLOYEES

The Director, Deputy Director, Chief of Staff, Associate Directors, Region Directors, and DMC Manager will make decisions with regard to excusing individual employees and/or group dismissal as administrative leave. Decisions for group dismissals must be made a matter of record. This authority is used sparingly for short periods of time, normally not more than one workday for a single period. When unusual circumstances prevent employees from returning to work after a day of excused absence, the SSS Director may extend the period upon receipt of justification from granting officials. Employees, except designated emergency employees, in the same commuting area should be treated the same. See Chapter 002, Delegations of Authority, for additional information.

B. AUTHORITY TO CLOSE AN ACTIVITY

Where conditions indicate, the Director or designee is authorized to close an activity. Region Directors or the DMC Manager should consult with the respective regional Federal Executive Board (FEB) to ensure consistency in cases of weather conditions or the SSS Director or designee in cases specifically impacting a Region HQ or DMC prior to making a decision to close an activity. Senior leaders should use their best judgment in a crisis situation, and brief the chain of command as soon as practicable.

C. OTHER AUTHORITIES TO EXCUSE EMPLOYEES

Employees with a regular tour of duty may be administratively excused as follows:

(1) Excused for Annual Preventive Health Screening

Employees are authorized up to four (4) hours of administrative leave each year to complete an annual preventive health screening. Refer to PPM Chapter 790, Health Care Programs, for program requirements.

(2) Excused from Work for Health and/or Safety Issues

Employees may be excused when inhabiting work spaces may result in health and/or safety hazards due to equipment or power failures, and there are no alternative work sites.

The following officials will determine which employees will be excused and when: Director or designee for National Headquarters (NHQ) employees; and Region Directors or the DMC Manager for employees under their direction.

(3) Tardiness

It is within the supervisor's discretion to excuse an employee who is occasionally more than 15 minutes late, but less than 1 hour late. Otherwise, an employee reporting more than 15 minutes late should submit a request for leave.

(4) Hazardous Weather Administrative Leave Policy — National Headquarters

It is the policy of the Federal government to make sure it is safe for employees to commute. In the Washington metropolitan area, the OPM's *Washington, DC, Area Dismissal and Closure Procedures* provides guidance for government closure, unscheduled leave, telework, late arrival, and early dismissal. Employees should monitor the OPM website or local news for the Washington, DC, area operating status. Refer to telework policies in Chapter 610. NHQ employees must follow the [OPM dismissal and closure procedures](#).

a. Early Dismissal

The COS or the HRO will notify Senior Staff members when early dismissal is authorized by the Deputy Director, Director, or OPM. When early dismissal is in effect, employees are dismissed using OPM's staggered early departure policy. Impacted employees in a duty status are granted administrative leave.

Early Departure Time. Non-emergency employees are usually dismissed prior to their scheduled departure times and are granted administrative leave for the number of hours remaining in the workday. For example, if a three-hour staggered early departure is announced, employees that work 8:30 a.m. to 5:00 p.m. will depart at 2:00 p.m. for three (3) hours administrative leave. Conversely, if the government closes at 2:00 pm, then all remaining employees must depart at 2:00 p.m., regardless of staggered departure time.

If an employee leaves before the official dismissal time, the employee must take the appropriate leave for the remainder of the workday. Employees in a leave status or on LWOP when early dismissal occurs are not eligible for administrative leave.

Supervisors may exempt individual employees from authorized dismissal times to avoid hardships (e.g., an employee's car-pool driver is dismissed earlier or young children are released early from school and alternative forms of child care are not available).

b. Late Arrival

If late arrival is authorized by OPM, impacted employees are granted administrative leave up to the time period specified by OPM.

c. Reporting for Duty

The appropriate leave will be charged for employees who do not report for duty during hazardous weather, unless OPM has announced that offices are closed.

(5) Hazardous Weather Administrative Leave Policy – Regions and DMC

It is the policy of the Federal government to make sure it is safe for employees to commute. Offices outside of the Washington, DC, area follow procedures in the OPM [Handbook on Pay and Leave Benefits for Federal Employees Affected by Severe Weather Conditions or Other Emergency Situations](#).

a. Authority

The authority to close all or part of an activity or authorize early dismissal or late arrival rests with the Region Director or the DMC Manager after consultation with the respective regional Federal Executive Board (FEB). Impacted employees will be granted administrative leave, the same as those in the Washington, DC, area.

Supervisors may exempt individual employees from authorized dismissal times to avoid hardships (e.g., an employee's car-pool driver is dismissed earlier or young children are released early from school and alternative forms of child care are not available).

b. Departing Before Early Dismissal

An employee who departs the duty station prior to the official early dismissal time must take the appropriate leave. Employees in a leave status or on LWOP are not eligible for administrative leave.

c. Late Arrival

If late arrival is authorized, impacted employees are granted administrative leave, not to exceed the time specified for late arrival.

d. Reporting for Duty

The appropriate leave will be charged for employees who do not report for duty during hazardous weather.

(6) Excused Absence for other Causes

Administrative leave for other events, such as natural disasters and evacuations, will be evaluated on a case-by-case basis.

(7) Excused Absence for Emergency Rescue or Protective Work

Reservist and National Guard members called to emergency duty as ordered by the President, Secretary of Defense, and/or State Governor are granted administrative leave for up to 22 workdays per calendar year.

(8) Excused Absence to Participate In Civic Activities

Employees may be excused to participate in civic activities authorized under the following provisions:

(a) Voting

Employees may take administrative leave to vote in elections or referendums. If polls are not open at least three hours before or after an employee's regular hours of work, he/she

may be granted a sufficient amount of excused leave to permit the employee to report for work three hours after the polls open or leave work three hours before the polls close.

(b) Blood Donations

An employee may be granted up to four (4) hours administrative leave after donating blood. This leave is in addition to travel time to and from the donation site. Leave is to be taken on the day the blood is donated.

D. PARTICIPATION IN MILITARY FUNERALS

Veterans or members of the Reserve or National Guard scheduled to serve as pallbearers, members of a firing party, or honor guard may usually take up to four (4) hours administrative leave to participate in military funerals, unless demands at SSS preclude their absence.

12. BEREAVEMENT LEAVE

An employee whose [family member](#) dies as a result of wounds, disease, or injury incurred as a member of the Armed Forces in a combat zone, may be granted up to three (3) workdays administrative leave.

An employee may use up to 104 hours of sick leave per year for bereavement to make arrangements and/or attend services for a family member, as discussed in paragraph 6.

13. RELIGIOUS LEAVE

Religious leave may be accommodated with an alternative work schedule, compensatory time, annual leave, or LWOP. Employees are not entitled to overtime pay for hours accrued for religious leave.

14. LEAVE WITHOUT PAY (LWOP)

LWOP is usually requested by the employee and approved at the supervisor's discretion. It is authorized leave used for purposes such as:

- recovery from illness or disability;
- education that benefits the SSS;
- protection of employee status and benefits pending action on disability claims;
- protection of employee status and benefits for a spouse of a transferred military member or Federal employee; or
- under expanded family and medical leave policies an employee may

request up to 24 hours of LWOP to attend school activities for a child, routine family medical appointments, or assist with the health or care needs of an elderly relative in addition to other authorized leave.

LWOP is limited to 12 months, except under FMLA procedures described in paragraph 7. For additional information please see [Impact of Extended LWOP on Federal Benefits](#).

A. REQUESTS FOR LWOP

LWOP should be requested in advance if possible. In emergencies, an employee may request LWOP orally and submit a written request within three working days. LWOP is requested in Quicktime or by submitting an OPM Form 71 with comments explaining the reason for LWOP, the time period, and when the employee anticipates returning to work. Requests should be documented the same as required for sick leave and family/personal issues. FMLA requests must follow the procedures in paragraph 7.

B. ACTION ON REQUEST

The COS or Associate Directors may authorize LWOP for less than 30 days. In cases where LWOP is substituted for properly requested and approved sick leave, this approval is not required. Requests for LWOP of 30 days or more must be approved by the Deputy Director.

15. LEAVE FOR WORKERS' COMPENSATION CASE

An employee injured in the performance of duty may use sick or annual leave, LWOP, or continuation of pay for 45 days pending adjudication of a worker's compensation claim. See PPM Chapter 810 for more information. When an employee is compensated by the DOL Office of Workers' Compensation, LWOP is granted up to one (1) year, with extensions in increments of six (6) months, if documentation indicates the employee may be able to return to work at the end of the time period. If documentation indicates that the employee will not or cannot return to work, or, after at least one (1) year there is no indication of when he/she can return, action may be taken to separate the employee.

16. ABSENCE WITHOUT LEAVE (AWOL)

Unauthorized absences from duty or unapproved leave will generally be charged as AWOL. An AWOL status may also lead to disciplinary action under PPM Chapter 752. Depending on the seriousness of the action, an employee may be warned orally and in writing once before AWOL is charged. However, a supervisor may exercise discretion and charge AWOL on the first incident. Please note that AWOL is leave taken without approval whereas LWOP is

approved, unpaid leave requested by the employee.

17. LEAVE ABUSE

Employees are obligated to manage their leave appropriately. Leave abuse may take many forms, including tardiness, unjustified sick leave, frequent use of annual leave not requested in advance, and low or no accrued leave balances.

A. RECORD REVIEW

If a supervisor suspects leave abuse by an employee, the employee's leave record for at least the last six pay periods should be reviewed. Leave patterns (e.g., consistently missing Mondays or Fridays) should be identified along with extenuating circumstances such as a serious illness, family/personal leave, FMLA, etc. The supervisor should also note if AWOL occurred during this time. If the review indicates possible abuse, the supervisor should consult with the HRO to discuss options prior to proceeding.

B. COUNSELING

If the record review indicates possible abuse, the employee should be counseled orally about leave management, with the counseling session annotated in writing. Information about the Employee Assistance Program detailed in PPM Chapter 790 should also be provided. The employee should be advised that continued leave abuse may result in placement on leave restriction. He/she should be provided a copy of the sample memorandum (Appendix B) that outlines leave restriction requirements.

C. LEAVE RESTRICTION

If excess leave usage does not end, an employee may be placed on leave restriction after consultation with the HRO. A memorandum placing the employee on leave restriction, using the sample memorandum at Appendix B, should be prepared, signed by the second level supervisor, and delivered to the employee. The employee will be monitored for the time period specified to ensure compliance with leave policies and procedures. A summary of leave usage will be prepared and reviewed at the end of the leave restriction period to determine if (1) the employee has complied with leave instructions, or (2) further disciplinary action is warranted.

Employees on leave restriction are not allowed to participate in alternative work schedule or telework programs. Requests for exceptions due to extenuating circumstances may be forwarded to the COS for approval.

D. ACTION IF LEAVE MANAGEMENT IMPROVES

If the leave management improves, the employee may be released from leave restriction by the supervisor. This request should be forwarded to the HRO for review and to the COS for approval.

E. ACTION IF LEAVE MANAGEMENT DOES NOT IMPROVE

Once the leave restriction period expires, leave abuse resulting in AWOL may be dealt with progressively, under PPPM Chapter 752. If the abusive leave pattern continues, but no AWOL has been charged, the supervisor should consult with the HRO to discuss options for the employee. Options may include: a part-time tour of duty, if the employee's position can accommodate this tour; requests for LWOP; requests for FMLA leave; or changes in the employee's work hours using an alternate work schedule. In all cases, the employee's leave usage should continue to be monitored by the supervisor. When an employee is removed from leave restriction, or if the conditions of the restrictions change, written notification must be provided by the supervisor.

18. VOLUNTARY LEAVE TRANSFER PROGRAM

The following procedures implement the SSS Voluntary Leave Transfer Program for which unused, accrued annual leave of one employee may be transferred to another employee who needs leave due to a medical emergency.

A. DEFINITIONS

(1) Family Member

Family member is defined in paragraph 6.B.

(2) Leave Donor

A leave donor is an employee who voluntarily requests to transfer annual leave to the annual leave account of a leave recipient approved by his/her own employing agency.

(3) Leave Recipient

A leave recipient is a current employee whose employing agency has approved an application to receive annual leave from the annual leave accounts of leave donors.

(4) Medical Emergency

Medical emergency is a medical condition of an employee or family member of the employee that is likely to require the employee's absence from duty for a prolonged period of time and may result in a substantial loss of income due to the unavailability of paid leave. Maternity leave (normal birth and delivery) is not considered a medical or family emergency.

(5) Shared Leave Status

Shared leave status is the administrative status of an employee using transferred leave under the leave transfer program.

8. PROCEDURES

An employee experiencing a personal or family medical emergency may apply for the SSS Voluntary Leave Transfer program. To qualify as a recipient, the employee must exhaust all annual and sick leave, disregarding any advanced leave, due to a medical emergency that requires (or is expected to require) leave of at least 24 hours.

(1) Transferred or Shared Leave

Transferred or shared leave is maintained in a separate leave account for the duration of the recipient's medical emergency.

(2) Accruing Annual and Sick Leave

Annual or sick leave accrued by an employee in a shared leave status under the leave transfer program will be transferred to the appropriate leave account of the employee, and will become available for use:

- a. As of the beginning of the pay period on or after the date on which the employee's medical emergency terminates; or
- b. If the employee's medical emergency has not yet ended, after the employee has exhausted all transferred leave made available under the leave transfer program.

(3) Using Earned Annual and Sick Leave

If the medical emergency continues after the leave recipient exhausts all transferred leave, the employee may use annual or sick leave, as appropriate, earned while in a shared leave status.

The maximum amount of leave that may be accrued by a full-time employee in a leave transfer program (i.e., while in a shared leave status) is 40 hours of sick leave and 40 hours of annual leave.

For part-time employees, the maximum amount of sick and annual leave that may be accrued while in a shared leave status is the average number of hours of work in the employee's weekly scheduled tour of duty.

(4) Transferred Annual Leave

Transferred annual leave is available within the pay period donated, or may be retroactively substituted for LWOP or advanced annual or sick leave.

(5) Request Procedures

To apply for the Voluntary Leave Transfer Program, an employee should submit Optional Form 630, "Leave Recipient Application – Under the Voluntary Leave Transfer Program," to the HRO. If the employee is not capable of completing the application, another employee within SSS or a personal representative may make the request on the employee's behalf. The HRO will notify the potential leave recipient of approval or disapproval of the application within 10 working days.

(6) Donor Procedures within the SSS

HR will circulate a memorandum to SSS employees regarding the need for leave donations. Prospective donors may respond by submitting the Optional Form 630-A, "Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Within Agency)", subject to the following limits:

- a. Annual leave may not be transferred to a donor's immediate supervisor;
- b. A donor may not contribute more than one half of the amount of annual leave he/she is entitled to accrue during the leave year in which the donation is made (i.e., employees earning four hours of annual leave each pay period may donate up to 52 hours, employees earning six hours of annual leave each pay period may donate up to 80 hours, and employees earning eight hours of annual leave each pay period may donate up to 104 hours);

- c. If a leave donor is projected to forfeit annual leave at the end of the leave year, additional donations up to the projected forfeited amount may be made during the last quarter of the leave year; and
- d. In an unusual circumstance, the limits on the number of hours permitted for donation may be waived. To request a waiver, leave donors must submit a written request to the HRO with justification. The COS will decide waivers on a case-by-case basis. Criteria may include:
 - 1. Severity of recipient's medical emergency, including length and number of leave hours currently needed; and
 - 2. Amount of earned and donated leave available to the recipient.

(7) Procedures for Donations to/from Employees of Other Agencies

- a. Leave may be accepted from donors or donated to recipients outside SSS, unless the SSS employee's leave balance is not sufficient to meet her/her own needs.
- b. Employees may donate leave, subject to balance restrictions to an employee outside the SSS using Optional Form 630-B, "Request to Donate Annual Leave to Leave Recipient (Outside Agency)," to HR.

(8) Termination and Restrictions

- a. The leave recipient's agency should monitor the status of the medical emergency affecting the leave recipient to ensure the leave recipient continues to be affected by a medical emergency.
- b. The leave recipient's entitlement to participate in the Voluntary Leave Transfer Program terminates:
 - 1. When the leave recipient's Federal service is terminated;
 - 2. At the end of the bi-weekly pay period in which the leave recipient provides written notice that there is no longer a medical emergency;

3. At the end of the pay period in which the agency determines there is no longer a medical emergency; or
 4. At the end of the pay period in which the agency receives written notice that OPM has approved an application for disability retirement for the leave recipient.
 - c. When the medical emergency is over, no further requests to transfer annual leave to the employee may be granted. Any unused transferred annual leave will be returned to the leave donor(s).

Donated annual leave may not be:

 1. Transferred to another leave recipient;
 2. Included in a lump-sum payment; or
 3. Re-credited upon reinstatement by a Federal agency.
 - d. An agency may deem a medical emergency to continue for the purpose of providing a leave recipient a period of time to receive donations of annual leave.

19. **COMPENSATORY TIME OFF AND COMPENSATORY TIME OFF FOR TRAVEL**

A. Compensatory Time Off (CT)

CT is authorized under 5 CFR 550.114, and is accrued at the same rate as overtime for eligible employees.

B. Compensatory Time Off for Travel (Travel CT)

Travel CT is authorized under 5 CFR 550.1401-1409, when official travel necessitates an employee traveling outside of work hours for the convenience of the government. These two authorities are not interchangeable. Generally, employees on official travel should convert to eight (8) hour days for the pay period to avoid accruing CT and Travel CT.

C. Using CT/Travel CT

- (1) Supervisors and managers should ensure accrued CT is used prior to the 26th pay period after earned as the hours will be lost for employees exempt from the Fair Labor Standards Act (FLSA); however, employees not exempt from FLSA may be paid overtime.
- (2) Travel CT not used prior to the 26th pay period is lost.

APPENDIX A

REFERENCES

1. 5 USC Chapter 63
2. 5 CFR Part 630
3. 29 USC 2611 FMLA; 29 CFR Part 825 FMLA
4. 5 CFR 630.1203 Leave Entitlement
5. 5 USC 5515 Jury Fees
6. 5 USC 6322 Jury Duty
7. 5 USC 6323 Military Leave
8. 5 USC 6327 Bone Marrow/Organ Donor
9. SSS Fiscal Manual Chapter 7, Personnel and Pay Processes
10. [OPM Pay & Leave Regulations](#)
11. [OPM Guidance for Agency Specific Domestic Violence, Sexual Assault, and Stalking Policies](#)
12. [OMB Memo CPM2010-19, Nursing Mothers in Federal Employment](#)

APPENDIX B

SAMPLE- MEMORANDUM OF LEAVE RESTRICTION

SSS Letterhead

(date)

MEMORANDUM FOR MR. JOHN DOE, OPERATIONS DIRECTORATE

FROM: BETTY JOHNSON, READINESS MANAGER

SUBJECT: Notice of Leave Restriction

The position to which you are assigned, *[title, series, and grade]* and the duties assigned are essential to the efficient performance of the activities of the *[Office]*. A careful review of your leave record for the period _____ through _____ reveals a pattern of excessive absenteeism. During this period you used _____ hours of sick leave on _____ occasions; _____ hours of annual leave on _____ occasions; _____ hours of LWOP on _____ occasions; and _____ hours AWOL on _____ occasions.

The majority of leave used was taken without regard to proper leave procedures. This inconsistent attendance makes it extremely difficult for *[supervisor's name]*, your supervisor, to properly schedule work and places additional burdens on your coworkers. Therefore, you must adhere to the rules in Personnel Policies and Procedures Manual (PPPM) Chapter 630 for requesting leave. Effective immediately, the following requirements are placed on your leave use:

1. Annual Leave/Leave Without Pay (LWOP):
 - a. Annual leave (including LWOP), regardless of the amount, must be requested two (2) full workdays in advance of the requested leave date in Quicktime or by submitting the Application for Leave, OPM Form 71. Annual leave (or LWOP) may be taken upon notice of approval.
 - b. In emergency situations, you must contact your immediate supervisor or me, or my supervisor, *[name of alternate]*, in my absence, by telephone within the first hour of the workday and explain your need for annual leave or LWOP. Annual leave may be taken, if approved, at the time of the telephone request. Upon return to duty, a Quicktime or OPM Form 71 must be submitted the same day.

2. Sick Leave (or LWOP):

- a. Sick leave (or LWOP) regardless of the amount, must be requested in Quicktime or by submitting OPM Form 71. In all cases, you must submit a properly signed medical certificate within two (2) workdays after returning to duty. The medical certificate must be on the doctor's official stationary, give the medical reason for absence; and an estimate of when the employee will be able to return to full-time duty.
- b. Sick leave (or LWOP) or leave for pre-scheduled examinations or non-emergency treatment must be requested two (2) full workdays in advance in Quicktime. Sick leave (or LWOP) may be taken upon notice of approval.
- c. To request sick leave (or LWOP) for an emergency, you must contact me, or, in my absence, my supervisor, *[name of alternate]*, (designated alternate) by telephone within the first hour of the workday and explain your need for sick leave (or LWOP). If you are unable to call, you must have another person call on your behalf. Sick leave (or LWOP) may be taken, if approved at the time of your telephone request, and a written request is submitted with the same documentation as item 2.a. upon your return to duty.

3. Tardiness:

- a. Late arrival or reporting for duty after *[time]* is tardiness. If you are tardy, you must report to me or, in my absence my supervisor, *[name of alternate]*, immediately upon arrival and explain your reason(s) for being late. Only the most extreme emergency conditions will be regarded as sufficient reason(s) for excusing tardiness.
- b. Failure to provide a sufficient and acceptable reason for tardiness will result in a charge of absence without leave (AWOL). If you are charged AWOL, you will be notified immediately and you may not begin work until the time for which AWOL is charged has expired. (For example, if you report at 8:25 a.m. and your explanation is unacceptable, you will be charged AWOL from 8:15 a.m. until 8:30 a.m. and may not begin work until 8:30 a.m.)

4. Family Medical Leave Act (FMLA):

Requests to invoke and use FMLA leave must be requested with a properly documented and signed medical statement at least 30 days in advance. The medical certification must be written on the doctor's or health provider's letterhead, with a telephone number and address. Include the date the serious health condition began, the probable duration of the serious health

condition, the appropriate medical facts within the knowledge of the health care provider, along with the treatment plan and the provider's signature. The health care provider must also state if the patient is currently incapacitated and the likely duration and frequency of episodes of incapacity.

You may not participate in alternative work schedule or telework programs while on leave restriction.

In the event you fail to comply with the requirements for requesting annual and/or sick leave approval as specified in this Memorandum of Leave Restriction, leave will not be authorized and your absence from duty will be charged as AWOL. AWOL charges may result in disciplinary action. Please see PPM Chapter 752 for more information.

If you are experiencing personal or family problems, you may obtain confidential assistance or a referral from the SSS contracted Employee Assistance Program counselor by calling (202) 628-5100.

In issuing this memorandum, it is my sincere desire for you to take the necessary steps to correct your attendance problems. If you have any questions on the requirements in this memorandum, you may discuss it with me or your immediate supervisor.

Betty Johnson
[Second line supervisor]

This is to acknowledge receipt of this memo:

Employee's Signature

Date

[NOTE: Clearance should be obtained from the Human Resources Officer (HRO) prior to presenting the memo to the employee.]

APPENDIX C

LINKS TO FMLA FORMS

[Certification of Health Care Provider for Employee's Serious Health Condition](#)(PDF)

[Certification of Health Care Provider for Family Member's Serious Health Condition](#)
(PDF)

[Notice of Eligibility and Rights & Responsibilities](#) (PDF)

[Designation Notice](#) (PDF)

[Certification of Qualifying Exigency for Military Family Leave](#) (PDF)

[Certification for Serious Injury or Illness of Covered Service member - for Military Family Leave](#) (PDF)

[Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave](#) (PDF)



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: June 1, 2016

NUMBER: 81

This Change Notice transmits modifications to PPPM Chapter 711, Labor-Management Relations. The following amendments are made:

REMOVE

INSERT

- | | |
|--|-----------------------------|
| 1. Entire Chapter 711 dated AUG 1984 | Chapter 711 dated June 2016 |
| 2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner | |

Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICY PROCEDURES MANUAL
CHAPTER 711
LABOR-MANAGEMENT RELATIONS

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1. INTRODUCTION

A. PURPOSE

- (1) This chapter prescribes policies, principles, and procedures governing relationships with labor organizations that are established in the Selective Service System (SSS), in accordance with federal law and applies to all SSS employees.
- (2) Any employee engaged in administering any provision of law relating to labor-management relations may not be represented by a labor organization that represents other individuals to whom such provision applies; or which is affiliated directly or indirectly with an organization which represents other individuals to whom such provision applies.

B. POLICY

- (1) It is SSS policy to recognize and deal with lawful labor organizations on matters of concern to the employees represented, and to place primary reliance on informal settlement of any differences or disputes at the earliest stage possible by discussion between SSS management and representatives of labor organizations.
- (2) The right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions that affect them, safeguards the public interest, contributes to the effective conduct of public business, and facilitates and encourages the amicable settlement of disputes between employees and their employers involving conditions of employment. The public interest demands the highest standards of employee performance and the continued development and implementation of modern and progressive work practices to facilitate and improve employee performance and the efficient accomplishment of Government operations.
- (3) SSS management will carry out its duties in a manner consistent with the terms and spirit of human resources policies, principles and procedures that encourage the highest standard of employee performance and the most efficient accomplishment of SSS operations.

- (4) Each labor organization that is granted exclusive recognition at the local level will have electronic access to a complete set of human resources directives and handbooks.
- (5) Labor organizations holding exclusive recognition will automatically qualify for dues withholding by payroll deduction, without a service fee, for members in the bargaining units. Additionally, unions may qualify for dues withholding for employees in an appropriate unit where no union holds exclusive recognition upon certification by the Federal Labor Relations Authority (Authority) that 10 percent of the employees in the appropriate unit have membership in the labor organization.

C. RESPONSIBILITIES

- (1) The Chief of Staff (CoS) is responsible for:
 - (a) Planning and formulating agency policies and procedures for SSS labor-management relations program.
 - (b) Acting as the liaison with the national headquarters of labor organizations and representing SSS in national level negotiations and consultations, as appropriate, under consolidated unit recognitions or national consultation rights.
 - (c) Representing SSS before the Authority and the Federal Service Impasses Panel (FSIP) on labor-management relations matters.
 - (d) Providing leadership in establishing a positive and effective labor-management relations program at all Agency levels.
 - (e) Appraising the effectiveness of the SSS labor-management relations program and making required policy changes.
 - (f) Developing training aids to assist Region/DMC management in the conduct of such programs.
- (2) The General Counsel is responsible for:
 - (a) Furnishing legal advice and assistance in all matters arising under the SSS labor-management relations program.

- (b) Representing SSS in formal administrative or judicial proceedings under the statute when legal representation by the General Counsel is in the interest of the Government.
- (3) Associate Directors, Region Directors, Data Management Center Manager and supervisors have the following responsibilities:
 - (a) Carrying out the labor-management relations program involving employees under their jurisdiction in conformance with the requirements of this directive and the statute.
 - (b) Taking such measures as necessary to ensure that the actions and demonstrated attitudes of management and supervisory officials under their jurisdiction are consistent with the provisions of this directive and the statute.
 - (c) Protecting employees who exercise their rights under the provisions of this directive and the statute.
 - (d) Ensuring that management and supervisors are properly trained and indoctrinated in this program area.
 - (e) Ensuring that employees are informed of their rights and obligations under the provisions of this directive and the statute, and that each employee is notified where a copy of this directive and the statute is available for reference or study.
- (4) The Human Resources Officer (HRO) is responsible for:
 - (a) Participating in consultations and negotiations between labor organizations and management officials.
 - (b) Furnishing management and supervisors with technical advice, assistance, and interpretation of labor-management policies, regulations and negotiated agreements.
 - (c) Training management and supervisory officials in their responsibilities in the labor-management relations program.
 - (d) Acting as the liaison with representatives of local labor organizations.

D. REFERENCES

- (1) 5 U.S.C., chapter 71.

- (2) 38 U.S.C. 7421 and 7422.
- (3) Legislative History of the Federal Service Labor-Management Relations Statute, Title VII of the Civil Service Reform Act of 1978, Committee Print No. 96-7.

E. DEFINITIONS

- (1) **Employee:** An individual employed by SSS, but does not include a supervisor, management official, or confidential employee for the purpose of exclusive recognition or National Consultation Rights.
- (2) **Supervisor:** An individual employed by SSS having authority in the interest of SSS to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment.
- (3) **Management Official:** An individual employed by SSS in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of SSS.
- (4) **Confidential Employee:** An employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.
- (5) **Professional Employee:** An employee whose professional, scientific, or technical duties customarily require specialized intellectual instructions from a college or university, or similar institution of recognized standing.
- (6) **SSS Management:** The Director and all management officials, supervisors, and other representatives of management employed in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the agency.
- (7) **Labor Organization:** An entity comprised in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose of dealing with an agency concerning grievances and conditions of employment, but does not include –

- (a) An organization which, by its constitution, by-laws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status or disability;
 - (b) An organization that advocates the overthrow of the constitutional form of government of the United States;
 - (c) An organization sponsored by an agency; and
 - (d) An organization that participates in the conduct of a strike against the Government or any agency thereof or imposes a duty or obligation to conduct, assist, or participate in such a strike.
- (8) Labor Organization Representative: An individual who may or may not be a SSS employee, specifically designated at any time by a labor organization to deal with management. This term, for purposes of this issue, is intended to cover the wide variety of titles used by different labor organizations to identify their officials such as officers, stewards, committee people, negotiators, etc.
 - (9) Authority: The Federal Labor Relations Authority established by Title VII of the Civil Service Reform Act of 1978.
 - (10) Statute: Federal Service Labor-Management Relations Statute contained in 5 U.S.C., chapter. 71.

2. **LABOR RELATIONS IN THE SELECTIVE SERVICE SYSTEM (SSS)**

A. EMPLOYEE PARTICIPATION IN ORGANIZATION ACTIVITIES

- (1) Right to Organize and Join
 - (a) Each employee will have the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal and each employee will be protected in the exercise of such right. Except as otherwise provided by appropriate law or regulation, such right includes the right:
 - 1) To act for a labor organization in the capacity of a representative and the right, in that capacity, to present the views of the labor organization to heads of agencies and other officials of the executive branch

of the Government, the Congress, or other appropriate authorities; and

2) To engage in collective bargaining with respect to conditions of employment through representatives chosen by employees under provisions of the statute.

(b) SSS will not interfere with, restrain, or coerce any employee in the exercise of any right under the statute or encourage or discourage membership in any labor organization. SSS management will maintain a posture of strict neutrality with respect to employees joining or not joining any labor organization.

(2) Conflict Of Interest

(a) Employees and supervisors may not participate in the management of, or represent, or assist a labor organization when the participation or activity would result in a conflict or apparent conflict of interest or otherwise be incompatible with law or with the official duties of the employee.

(b) SSS management, including supervisors, and employees directly engaged in human resources work, in other than a clerical capacity, may not participate in the management of or represent or assist any labor organization.

(c) Employees whose assigned duties require that they represent the interests of management in consultations or negotiations with representatives of labor organizations are excluded from participating in the management of, assisting or representing a labor organization.

(d) Field facility directors may determine that a conflict or apparent conflict of interest exists with respect to additional individual positions or categories of positions and limit employees in these positions from representing, participating in the management of, or assisting a labor organization.

(e) Occasionally, an employee who is representing, participating in the management of, or otherwise assisting a labor organization will come into a conflict of interest situation as the result of a promotion or other personnel action, to a position as noted above. Under such circumstances the employee and the labor organization will be promptly advised of the need to arrange for a replacement.

Employees may be permitted to remain in such positions during the period of any appropriate appeals.

- (3) **Reserved Employee Rights:** Recognition of a labor organization does not preclude an employee from being represented by an attorney or other representative of the employee's choice, in any grievance or appeal action, except when a grievance or appeal is processed under a negotiated grievance procedure. In such a case, the only representative an employee can have is the exclusive representative or a representative approved by the union.
- (4) **Social, Fraternal and Other Associations:** SSS is not precluded from consulting or dealing with a religious, social, fraternal, professional, or other lawful association not qualified as a labor organization with respect to matters or policies which involve individual members of the association or are of particular applicability to it or its members. Consultations and dealings will be so limited that they do not assume the character of negotiations or discussion on matters of human resources policy or practice or other general conditions of employment covering employees in the unit, or extend to areas where recognition of the interests of one employee group may result in discrimination against or injury to the interests of other employees.
- (5) **Rights of Veterans Organizations:** SSS is not precluded or restricted in consultations and dealings with a veteran's organization on matters of particular interest to employees with veteran's preference.

B. NATIONAL CONSULTATION RIGHTS

- (1) **According National Consultation Rights:** A labor organization that is the exclusive representative of a substantial number of the employees of SSS, as determined in accordance with criteria prescribed by the Authority, will be granted national consultation rights by SSS. National consultation rights will terminate when the labor organization no longer meets the criteria prescribed by the Authority. Any issue relating to any labor organization's eligibility for, or continuation of, national consultation rights will be subject to determination by the Authority.
- (2) **Relationships with Management under National Consultation Rights:** Any labor organization having national consultation rights will be informed of any substantive change in conditions of employment proposed by SSS and be permitted reasonable time to present its views and recommendations regarding the changes. If

any views or recommendations are presented, SSS will consider the views or recommendations before taking final action on any matters with respect to which the views and recommendations are presented, and SSS will provide the labor organization with a written statement of the reasons for taking the final action. Nothing in this chapter will be construed to limit the right of SSS or any exclusive representative to engage in collective bargaining.

C. EXCLUSIVE RECOGNITION

- (1) Recognition as the Exclusive Representative: SSS will recognize labor organizations as the exclusive representative of an appropriate bargaining unit when they have been certified in accordance with the rules and regulations of the Authority.
- (2) Required Information: An organization seeking exclusive recognition is required to file a petition with the appropriate Authority office and submit the following to SSS –
 - (a) A roster of its officers and representatives;
 - (b) A copy of its constitution and bylaws; and
 - (c) A statement of its objectives.
- (3) Posting Notices
 - (a) Upon the request of the Authority, after the filing of a petition, the Region(s)/DMC will post copies of a notice to all employees in places where notices are normally posted affecting the employees in the unit involved in the proceeding.
 - (b) The notice will remain posted for a period of 10 days. It will be posted conspicuously and will not be covered by other material, altered or defaced.
- (4) Furnishing Information to the Federal Labor Relations Authority: Upon receipt of a request, the Region/DMC will promptly furnish the Authority with the names, addresses, telephone numbers and other required information of all labor organizations known to represent any of the employees in the claimed unit.
- (5) Challenging the Showing of Interest or the Status of a Labor Organization –

- (a) The Region Director/DMC Manager may, where appropriate, enter a challenge to the organization's showing of interest or status as a labor organization by filing such challenge with the Authority. The challenge, supported by evidence, must be filed with the Authority within 10 days of the posting of notice.
 - (b) If no challenge is filed or if a challenge is dismissed, local management will promptly take steps to arrange a meeting with the parties to attempt to reach an agreement with the unit.
- (6) Determination of Appropriate Units for Exclusive Recognition
- (a) Appropriate units may be established on any basis which will ensure a clear and identifiable community of interest among the employees concerned and will promote effective labor-management dealings and efficiency of SSS operations.
 - (b) An appropriate unit is based on a factual situation; what is appropriate must be decided on a case-by-case basis. Field facility directors, in responding to petitions, will consider such factors as:
 - 1) The extent to which the management official who is responsible for the activities of the unit has authority to make administrative decisions on negotiable human resources matters;
 - 2) Whether the unit will promote effective labor organization-management dealings and efficiency of agency operations;
 - 3) Whether the employees have similar duties, working conditions, skills, place of work, organizational structure and are subject to the same human resources policies and management;
 - 4) Whether all Region/DMC employees with similar interests are included in the unit;
 - 5) The past history of dealings between management and employees in the unit.

- (c) No unit will be established for purposes of exclusive recognition solely on the basis of the extent to which employees in the proposed unit have organized.
- (d) A labor organization may seek consolidation of existing exclusively recognized units in accordance with rules and regulations of the Authority. Facilities will not petition for any consolidation of units without prior approval of SSS National Headquarters.

(7) Response to the Authority

- (a) Within 10 days after the date of posting the notice of petition, the Region/DMC will file a response with the Authority. In this response, the Region/DMC may raise any matter relevant to the petition. A copy of this response will be furnished to all labor organizations involved.
- (b) If there is agreement between the Region/DMC and the labor organization(s) involved regarding the appropriate unit and other relevant issues, the Region/DMC will in its response stipulate its agreement for a consent election subject to approval of the Authority.
- (c) If there is no agreement on the appropriate unit or other relevant issues, the Region/DMC will, in its response, give full details of its reasons for objecting to the unit or its position on the matter.

(8) Elections

- (a) Once the appropriate official of the Authority determines that a secret ballot election is to be conducted, management will promptly meet with the labor organization(s) involved to arrange election details. A stipulation should be made as to the eligibility period for participation in the election, the dates, hours, and place(s) of the election, the designations on the ballot and other related election details.
- (b) In the event the parties cannot agree on the election details contained in paragraph a, the Authority will determine the election details.
- (c) Elections will be governed by the rules and regulations of the Authority.

(9) Objections to an Election

- (a) At the conclusion of an election, the Authority will furnish the Region/DMC and other parties with a tally of ballots. The Region/DMC may file objections to the conduct of the election or conduct which may have improperly affected the results of the election with the Authority within 5 days after the tally of ballots has been furnished. Objections must be an original and two copies of a short statement of the reasons for the objections. Copies of the objections will be served simultaneously to the other parties and a statement of service will be made.
- (b) The Authority, at its discretion, may set aside the election, schedule a hearing or issue a Certification of Results of Election.

(10) Notification to National Headquarters

- (a) Field facilities will promptly provide the Chief of Staff (CoS) and Human Resources Officer (HRO) a copy of the following documents as each is received:
 - 1) Petition for an election to determine if a labor organization should be recognized as the exclusive representative of employees in a unit;
 - 2) Petition to consolidate existing exclusively recognized units;
 - 3) Petition for an election to determine if a labor organization should replace another labor organization as the exclusive representative of employees in a unit;
 - 4) Petition for an election to determine if a labor organization should cease to be the exclusive representative of employees in a unit;
 - 5) Petition to clarify an existing unit or amend a certification;
 - 6) Certification of results of election;
 - 7) Notice of hearing;

- 8) Decisions issued after hearings;
 - 9) Certification of Representative. When furnishing National Headquarters a copy of the Certification of Representative, field facilities will include a breakdown on the number of each of the following types of employees in the unit: wage system; nonprofessional General Schedule; and, professional General Schedule.
 - 10) A copy of any appeals or petitions to the Authority for review.
- (b) Field facilities will notify the CoS and HRO prior to:
- 1) Filing a petition with the Authority for an election to determine if a labor organization should cease to be the exclusive representative of employees in a unit ("RA" petition).
 - 2) Filing a petition with the Authority to clarify an existing unit ("CU" petition) or amend a certification ("AC" petition).

D. RELATIONSHIPS UNDER EXCLUSIVE RECOGNITION

(1) General

- (a) When a labor organization has been accorded exclusive recognition, it is the exclusive representative of the employees in the unit it represents and is entitled to act for, and negotiate collective bargaining agreements covering all employees in the unit. It is responsible for representing the interests of all employees in the unit it represents without discrimination and without regard to labor organization membership.
- (b) SSS management has an obligation to negotiate seriously, diligently and in good faith. Management will seek mutually acceptable provisions which enhance SSS's mission with regard to the interests of employees concerned.

(2) Representing Employees

- (a) An exclusive representative will be given the opportunity to be represented at any formal discussion between one or

more representatives of the agency and one or more employees in the unit or their representatives concerning any grievance or any personnel policy or practices or other general conditions of employment.

- (b) An exclusive representative will be given the opportunity to be represented at any examination of an employee in the unit by a representative of the agency in connection with an investigation if:
 - 1) The employee reasonably believes that the examination may result in disciplinary action against the employee; and
 - 2) The employee requests representation (commonly referred to as "Weingarten Rights"). Employees in exclusive bargaining units will be notified of this right annually.

E. NEGOTIATING AGREEMENTS

(1) Negotiations

- (a) General: SSS and a labor organization that has been accorded exclusive recognition, through appropriate representatives, will meet and negotiate in good faith for the purpose of arriving at a collective bargaining agreement with respect to human resources policies, practices and matters affecting working conditions.
- (b) Mandatory Provisions: Each agreement entered into with a labor organization will contain at a minimum –
 - 1) A statement identifying the parties to the agreement and their mutual rights and obligations under its terms;
 - 2) A specific definition of the unit covered by the agreement; and,
 - 3) A statement designating the duration of the agreement.
 - a) Agreements will be for a minimum period of 1 year, and will not exceed 3 years duration. Agreements which include automatic renewal

clauses must state that the renewal will be for 1, 2 or 3-year periods and that each new 1, 2 or 3-year period will be a new duration period with a new effective date. The above does not apply to local supplements to master agreements. The duration and renewal of local supplements are controlled by the provisions of the appropriate master agreement.

- b) Agreements that contain automatic renewal clauses must also include a statement that either party may terminate the agreement at the end of any duration period by notifying the other party at least 60, but not more than 105 days in advance of the date the agreement would be renewed.

- 4) Provision that final authority for approval of agreements, amendments and modifications rests with the appropriate officials in SSS National Headquarters.

(2) Negotiated Grievance Procedure

- (a) Collective bargaining agreements will provide procedures for the settlement of grievances, including questions of arbitrability. Negotiated grievance procedures will –
 - 1) Be fair and simple;
 - 2) Provide for expeditious processing; and
 - 3) Include procedures that:
 - a) Ensure an exclusive representative the right, on its own behalf or on behalf of any employee in the unit represented by the exclusive representative, to present and process grievances;
 - b) Ensure such an employee the right to present a grievance on the employee's own behalf, and assure the exclusive representative the right to be present during the grievance proceeding; and

- c) Provide that any grievance not satisfactorily settled under the negotiated grievance procedure will be subject to binding arbitration which may be invoked by either the exclusive representative or SSS.
- (b) The coverage of the procedure will be negotiated by the parties to the agreement; however, in accordance with the statute, it will not cover any grievance concerning –
 - 1) Prohibited political activities;
 - 2) Retirement, life insurance, or health insurance;
 - 3) Suspension or removal for reasons of national security;
 - 4) Any examination, certification or appointment; or
 - 5) The classification of any position which does not result in the reduction in grade or pay of an employee.

NOTE: *Under title 5 section 5366, employees who are entitled to grade and pay retention may not grieve the classification action upon which it is based.*

- (c) The following are instances when an employee must choose between negotiated and/or statutory procedures –
 - 1) Negotiated grievance procedures must be the exclusive procedures for employees in the unit for all matters within its scope. In those cases where adverse actions and discrimination complaints are included under the scope of the negotiated procedure, unit employees may use either the negotiated or statutory procedure, but not both. The employee will be deemed to have made his/her election of procedure when he/she timely files a grievance under the negotiated procedure or a timely appeal under the applicable appellate procedure, whichever takes place first. Exceptions to arbitrators' awards may be filed with the Authority in accordance with the provisions of the statute and the rules of the Authority.
 - 2) In discrimination cases, selection of the negotiated procedure does not preclude an aggrieved employee from requesting Merit Systems Protection Board

review of the final decision in the case of any personnel action that could have been appealed to the Board, or to request the Equal Employment Opportunity Commission to review a final decision in any other matter involving a complaint of discrimination of the type prohibited by any law administered by the Equal Employment Opportunity Commission.

(3) Impasse in Negotiations

- (a) Every effort will be made to resolve all issues at the lowest possible level, including use of the Federal Mediation and Conciliation Service (FMCS) or other appropriate techniques as the parties may negotiate.
- (b) The FMCS provides services and assistance to Federal agencies and labor organizations in the resolution of negotiation disputes. The FMCS determines under what circumstances and in what manner it will proffer its services.
- (c) SSS field facilities will participate fully and promptly in any meetings called by the FMCS.
- (d) When voluntary arrangements fail to resolve a negotiation impasse, either party may request that the Federal Service Impasses Panel (FSIP) consider the matter. The FSIP, at its discretion and under the regulations it has prescribed, may recommend procedures to the parties for the resolution of the impasse or may settle the impasse by appropriate action. Arbitration or third-party fact-finding with recommendations to assist in the resolution of an impasse may be used by the parties only when authorized or directed by the FSIP.
- (e) Field facilities will promptly notify the CoS and HRO when the services of the FMCS are requested by a labor organization prior to field facilities initiating the request. Field facilities will also promptly notify CoS and HRO when a labor organization refers an impasse to the FSIP and prior to field facilities initiating the request.

(4) Negotiability Issues

- (a) If a proposal is made as a result of negotiations that management alleges is contrary to law, rule, regulation or agency policy, and therefore not negotiable, the labor

organization may petition the Authority to review the proposal if it disagrees with the management position.

- (b) The labor organization will first request a written statement of the non-negotiable position by management. The time limit for the labor organization to file a petition for review with the Authority is 15 days after receipt of management's written position statement. However, if management has not furnished the labor organization with a written position statement within 10 days after the request, the labor organization may file its petition. A copy of the labor organization's petition to the Authority must be served to the agency head or designee and the principal agency bargaining representatives at the negotiations.
 - (c) Within 30 days after the date of receipt of the petition by the agency head, SSS must provide the Authority with a statement of position. A copy must be served to the labor organization. The labor organization must file a full and detailed response to the Authority within 15 days after the date of receipt of the statement of petition. A copy of the response of the exclusive representative will be served to the agency head and to the agency's representative of record in the proceeding before the Authority.
- (5) Unilateral Termination: Unilateral termination clauses ordinarily will not be included in agreements negotiated with SSS. No new agreements with such clauses will be negotiated. Such clauses are defined as provisions in an agreement through which one of the parties may terminate an agreement on other than its termination date without mutual consent.
- (6) Approval of Agreements
- (a) Supplemental Agreements: For local agreements or amendments that are subject to a controlling higher level agreement ("supplemental agreements"), the Region/DMC will forward the original agreement or amendment, with four copies, to the CoS and the HRO for approval. Administration Heads or other appropriate officials must review and approve/disapprove the agreement or amendment. Approval or disapproval will be in accordance with 5 U.S.C. 7114(c)(4) which provides that a local agreement subject to a national controlling agreement will be approved under the procedures of the controlling agreement.

- (b) Other Agreements: Agreements or amendments that are not subject to a controlling higher-level agreement will be forwarded by fax, overnight mail, or similar means to the HRO for review and approval immediately upon execution by the parties. Under 5 U.S.C. 7114(c)(3), if the head of the agency (or other appropriate official) does not disapprove such an agreement within 30 days of its execution, the agreement goes into effect. Such agreements must be approved if they comply with all applicable laws, rules and regulations. These agreements are effective upon approval.
- (c) Renewals and Extensions: Where the parties wish to renew or extend agreements, including those with automatic self-renewing clauses, the agreements should first be brought into conformance with current law, appropriate regulations and agency policy.

F. USE OF AGENCY FACILITIES AND INTERNAL BUSINESS OF LABOR ORGANIZATIONS

(1) Bulletin Boards and Distribution of Materials

- (a) Space on bulletin boards will be provided for the posting of notices and literature of labor organizations.
- (b) Distribution of appropriate literature by Region/DMC employees and nonemployee representatives of labor organizations may be permitted under the following conditions:
 - 1) Employees: The distribution of literature may be permitted provided it takes place outside the duty hours of the employees distributing and receiving the literature. Permission may also be granted for the placement of literature on desks or at other work locations provided the placement is compatible with safety and security requirements.
 - 2) Nonemployee representatives: The distribution of literature is subject to the same restrictions as it is for employees. Where there is an incumbent exclusive representative, distribution privileges may not be granted to an outside labor organization, unless the outside organization has achieved equivalent status with the recognized labor organization by having filed a petition or intervened in a representation

proceeding. All nonemployee representatives of labor organizations are required to secure prior approval from local management before entering SSS premises for the purpose of distributing literature or posting notices of labor organization business.

- (c) SSS management officials may negotiate or reach an understanding with representatives of the labor organizations as to the content and size of the material to be posted and distributed and will place responsibility for adherence to such understanding upon the labor organizations. This could include a provision for prior approval by management of material proposed for posting or distribution on SSS premises. The following standards will be observed –
 - 1) Notices or literature must be properly identified as material of the labor organization. It must be clearly understood that such material is not official SSS material or endorsed by SSS, and the material must not contain anything which would identify it as such.
 - 2) The material may not contain attacks upon any person, group, or organization.
- (d) If the material posted or distributed is found to be objectionable, the appropriate management official will so inform the representatives, explaining the basis for the objection. In the case of posted material, steps will be taken by management to have the objectionable material removed from the bulletin boards.
- (e) Repeated nonconformance to SSS standards governing the posting or distribution of labor organization material may be cause for revocation of the privilege to post or distribute materials.
- (f) The posting of material on bulletin boards and its removal will be governed by agency policy covering the maintenance of bulletin boards and other instructions as may be negotiated locally. Management officials will advise the labor organization representative of the proper procedures to follow.

(2) Internal Business of Labor Organizations

- (a) Solicitation of membership or dues and other internal business of a labor organization will be conducted during the nonwork hours of employees. Employees may solicit membership or collect membership dues on SSS premises provided such activities do not interfere with SSS operations and are not conducted during official working hours of the employee soliciting membership or the employees contacted. Nonemployee representatives of labor organizations, with the prior approval of management, may hold organization meetings or solicit membership on SSS premises subject to these same restrictions. Official working hours for these purposes do not include a lunch period.
- (b) Subject to safety and security regulations and availability of facilities, labor organizations may be granted permission to use SSS facilities for business and membership meetings outside the regularly scheduled working hours of the employees involved, provided the meetings will not interfere with proper functioning of SSS activities. Such meetings may be attended and conducted by nonemployees.

(3) Organizing Activities

- (a) Employees have the right to campaign on SSS premises for or against any labor organization during their nonduty time and in nonduty areas subject to Region/DMC safety and security requirements. Such activities, however, may not interfere with agency operations.
- (b) When organizational activities are permitted on SSS premises, all labor organizations which seek to organize the same employees and which have equivalent status must be accorded equivalent treatment.
- (c) Nonemployee representatives of labor organizations are subject to the following –
 - 1) Where there is an incumbent exclusive representative, nonemployee representatives of outside labor organizations may not be granted the use of SSS facilities unless the outside organization has achieved equivalent status with the recognized labor organization by having filed a petition or intervened in a representation proceeding.

- 2) Where there is no incumbent exclusive representative, nonemployee representatives may be permitted to engage in such reasonable organizational activities on SSS premises as will facilitate communication with employees and will not interfere with SSS operations.

- (d) Questions regarding organizing activities should be directed to the Office of Labor-Management Relations.

G. UNFAIR LABOR PRACTICES

(1) Prohibited Practices

(a) SSS Management will not –

- 1) Interfere with, restrain, or coerce any employee in the exercise by the employee of any right under the statute;
- 2) Encourage or discourage membership in any labor organizations;
- 3) Sponsor, control, or otherwise assist any labor organization other than to furnish, upon request, customary and routine services and facilities if the services and facilities are also furnished on an impartial basis to other labor organizations having equivalent status;
- 4) Discipline or otherwise discriminate against an employee because the employee has filed a complaint, affidavit or petition, or has given any information or testimony under the statute;
- 5) Refuse to consult or negotiate in good faith with a labor organization as required by the statute;
- 6) Fail or refuse to cooperate in impasse procedures and impasse decisions as required by the statute;
- 7) Enforce any rule or regulation (other than a rule or regulation pertaining to prohibited personnel practices under 5 U.S.C. 2302) which is in conflict with any applicable collective bargaining agreement if the

agreement was in effect before the date the rule or regulation was prescribed; or

- 8) Otherwise fail or refuse to comply with any provision of the statute.

(b) A labor organization will not:

- 1) Interfere with, restrain, or coerce any employee in the exercise by an employee of any right under the statute;
- 2) Cause or attempt to cause the agency to discriminate against any employee in the exercise by the employee of any right under the statute;
- 3) Coerce, discipline, fine, or attempt to coerce a member of the labor organization as punishment, reprisal, or for the purpose of hindering or impeding the member's work performance or productivity as an employee or the discharge of the member's duties as an employee;
- 4) Discriminate against an employee with regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or handicapping condition;
- 5) Refuse to consult or negotiate in good faith with the agency as required by the statute;
- 6) Fail or refuse to cooperate in impasse procedures and impasse decisions as required by the statute;
- 7) Call, or participate in, a strike, work stoppage or slowdown, or picketing of the agency in a labor-management dispute if such picketing interferes with the agency's operations;
- 8) Condone any activity described in (7) above by failing to take action to prevent or stop such activity; or
- 9) Otherwise fail or refuse to comply with any provision of the statute.

- (c) A labor organization which is accorded exclusive recognition will not deny membership to any employee in the appropriate unit except for failure to meet reasonable occupational standards uniformly required for admission, or for failure to tender initiation fees and dues uniformly required as a condition of acquiring and retaining membership. This paragraph does not preclude a labor organization from enforcing discipline in accordance with procedures under its constitution or by-laws which conform to the requirements of the statute.
 - (d) Issues that can properly be raised under an appeals procedure may not be raised as unfair labor practices under the procedures of the statute. Except for matters under 5 U.S.C. 7121(e) and (f), an employee has an option of using the negotiated grievance procedure or an appeals procedure. Issues that can be raised under a grievance procedure may, at the discretion of the aggrieved party, be raised under the grievance procedure or as an unfair labor practice under this chapter, but not under both procedures.
- (2) **Attempt at Resolution:** It is the policy of SSS to encourage all parties to an unfair labor practice allegation to attempt resolution prior to filing charges with the Authority.
 - (3) **Filing of Charges:** Should the parties be unable to resolve their dispute, an original and four copies of the charge, along with any supporting evidence, should be filed with the Authority Regional Director where the alleged unfair labor practice occurred. A copy of the charge must also be served to the party against whom the charge is made. The charge will contain the names, addresses and telephone numbers of the party making the charge and the party against whom the charge is made. It should include a clear and concise statement of the facts and a reference to the section of the statute allegedly violated.
 - (4) **Responding to Charges**
 - (a) Although many of the Authority's Regional Offices do not require formal management responses to charges prior to investigation, it is SSS policy in all but unusual cases to file a formal, timely response. Responses to charges may be prepared by the Region/DMC, the SSS General Counsel Office or CoS/HRO staff. However, in all instances,

coordination between the respective offices is mandatory so that consistency in agency policy may be maintained.

- (b) In each instance, the response to the charge will name the SSS General Counsel to represent the Region/DMC during the investigation phase of the proceeding and to answer the complaint, should one be issued. During the course of an investigation by the Authority, the SSS General Counsel will provide SSS management officials with legal representation. Management officials are entitled to representation while being questioned during the investigation of an unfair labor practice charge and are encouraged to request representation from the SSS General Counsel's office for this purpose.
- (5) Investigation of Charges: The FLRA Regional Director will conduct an investigation of the charge as is deemed necessary. During the course of the investigation, all parties involved will have an opportunity to present their evidence and views.
- (6) Action by the FLRA Director after Investigation: The FLRA Regional Director may (a) approve a request to withdraw the charge; (b) approve a written settlement; (c) refuse to issue a complaint by dismissing the charge; or (d) issue a complaint. The Regional Director will issue a formal complaint if it finds that a reasonable basis for the charge exists. In such cases, the Authority General Counsel will prosecute on behalf of the charging party at a hearing before an Administrative Law Judge. If no exceptions to the decision are filed, the decision of the Administrative Law Judge is final and binding. If, however, either party files an exception to the decision, the Authority, after considering the Administrative Law Judge's decision, will affirm or reverse the decision. If there has been a violation, the Authority will issue an appropriate order or, upon finding no violation, dismiss the complaint.
- (7) Notification to National Headquarters: The Region/DMC will notify the CoS, HRO, and SSS General Counsel immediately of any job actions that may occur, such as slowdowns, sick-outs, work stoppages or picketing.

APPENDIX A

RECORDING THE USE OF OFFICIAL TIME

1. **PURPOSE** This appendix provides guidelines for the recording of official time and associated travel and per diem costs for representational functions, as defined herein. It is important to note that these recordkeeping requirements should not be read as a source of rights to official time or travel and per diem. The propriety of granting official time and payment of travel and per diem costs is based solely on statute, rule, regulation, and negotiated agreement.
2. **DEFINITIONS**
 - A. **Representational Function.** Those authority activities undertaken by employees on behalf of other employees pursuant to such employees' rights to representation under statute, regulation, executive order, or the terms of a collective bargaining agreement. It includes activities undertaken by specific individual designation (such as the designation of a representative in a grievance action or an EEO complaint even where no labor organization is present) as well as those activities authorized by a general, collective designation (such as the designation of a labor organization recognized as exclusive representative under chapter 71 of title 5, U.S.C.).
 - B. **Official Time**
 - (1) All time granted to an employee by the agency to perform representational functions as defined above when the employee would otherwise be in a duty status without charge to leave. Official time will be considered hours of work. This includes time spent by an employee performing such functions during regular working hours (including regularly scheduled overtime hours) or during a period of irregular, unscheduled overtime work, provided an event arises incident to representational functions that must be dealt with during the irregular, unscheduled overtime period.
 - (2) Official time may be granted to union representatives under section 7131 of 5 U.S.C., chapter 71. Certain executive orders and Government-wide regulations also require the use of official time for representational functions: for example, in connection with certain health and safety matters, agency administrative grievance procedures, prevailing wage rate appeals, and EEO complaints. In addition, agency regulations and practice and collective bargaining agreements may provide official time for other representational functions.

3. POLICY

- A. SSS does not require facilities to maintain records of the amount of official time granted to employees for representational functions. However, it is recommended that facilities maintain such records in the event of a third party proceeding, such as a request by the Federal Service Impasses Panel, or to resolve a local dispute. A sample format is provided below.

(1) Category I

- (a) Negotiations of Collective Bargaining Agreements: This includes negotiation of a basic agreement, renegotiation of an existing agreement, and negotiation of amendments to an existing agreement under a reopener clause, and time spent with FMCS and the FSIP in connection with negotiations. Title 5 U.S.C. 7131(a) provides that official time is to be granted to employees representing an exclusive representative for negotiation of a collective bargaining agreement, when they would otherwise be in a duty status, with no limitation on time; except that the number of employees authorized such official time will not exceed the number of designated management representatives.
- (b) Mid-term Bargaining: Midterm bargaining refers to negotiations over management initiated changes in human resources policies, practices, and working conditions. This does not include contract bargaining as covered in paragraph (a) above.

- (2) Category I711 – Ongoing Labor-Management Relationship: Official time granted for representational functions in connection with all labor-management committees (general and specific), consultation, walkaround time for Occupational Safety and Health Administration inspections, FLRA proceedings, labor relations training for union representatives, and formal and Weingarten-type meetings under 5 U.S.C. 7114(a)(2)(A) and (B).
- (3) Category II711 – Grievances and Appeals: Official time granted for employee representational functions in connection with grievances, arbitrations, adverse actions, EEO complaints and other complaints and appellate processes.
- (4) Category IV – Travel and Per Diem: All travel and per diem costs associated with employee representational functions reported above.

- B. Field facilities are encouraged to maintain records in such a manner as not to constitute a system of records within the meaning of the Privacy Act of 1974. However, individual field facilities may elect to include these records in an existing, approved system of records. The following is a sample format that is recommended to assist field facilities in recording official time:

DATE	NAME	TIME BY CATEGORY					TOTAL
		Ia	Ib	II	III	IV	

CATEGORY Ia – NEGOTIATION OF COLLECTIVE BARGAINING AGREEMENT

CATEGORY Ib – MIDTERM BARGAINING

CATEGORY II – ON-GOING LABOR-MANAGEMENT RELATIONSHIP

CATEGORY III – GRIEVANCES AND APPEALS

CATEGORY IV – TRAVEL AND PER DIEM



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: August 2, 2016

NUMBER: 86

This Change Notice transmits modifications to PPPM Chapter 735, Employee Responsibility & Conduct. The following change is made:

REMOVE

INSERT

1. Entire Chapter 735 dated June 1993
2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner

Chapter 735 dated August 2016

Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 735

EMPLOYEE RESPONSIBILITIES AND CONDUCT

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PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 735
EMPLOYEE RESPONSIBILITIES AND CONDUCT

1. PURPOSE

Rules governing employee responsibility and conduct in the Selective Service System are in 5 CFR Part 735 – Employee Responsibilities and Conduct, and 5 CFR Part 2635 Standards of Ethical Conduct for Employees in the Executive Branch. 5 CFR Part 735 applies to civilians and special Government employees. 5 CFR Part 2635 applies to civilians, special Government employees, and officers of the uniformed services. These regulations are printed in Appendices A and B.

2. AUTHORITY

In 1989, the President's Commission on Federal Ethics Law Reform recommended that individual agency standards of conduct be replaced with a single regulation applicable to all employees of the executive branch. Acting upon that recommendation, President Bush signed Executive Order 12674 on April 12, 1989. That Executive Order (as modified by Executive Order 12731) set out fourteen basic principles of ethical conduct for executive branch personnel and directed The Office of Government Ethics (OGE) to establish a single, comprehensive, and clear set of executive branch standards of ethical conduct. The Office of Government Ethics (OGE) published the Standards of Ethical Conduct for Employees of the Executive Branch on August 7, 1992. The regulation became effective on February 3, 1993, and was codified in 5 C.F.R. Part 2635, which has been amended several times. OGE maintains a list of Laws and Regulations and training materials for executive branch personnel.

Appendix A

5 CFR 735 – Employees Responsibilities and Conduct

§ 735.101 Definitions.

Agency - An Executive agency (other than the Government Accountability Office) as defined by 5 U.S.C. 105, the Postal Service, and the Postal Rate Commission.

Employee - Any officer or employee of an agency, including a special Government employee, but does not include a member of the uniformed services.

Government - The United States Government.

Special Government employee - an officer or employee specified in 18 U.S.C. 202(a), except one who is employed in the legislative branch or by the District of Columbia.

Uniformed services - has the meaning given that term by 5 U.S.C. 2101(3).

§ 735.102 – What are the grounds for disciplinary action?

An employee's violation of any of the regulations in subpart B may be cause for disciplinary action by the employee's agency, which may be in addition to any penalty prescribed by law.

§ 735.103 – What other regulations pertain to employee conduct?

In addition to the standards of conduct in subpart B, an employee shall comply with the standards of ethical conduct in 5 CFR part 2635, as well as any supplemental regulation issued by the employee's agency under 5 CFR 2635.105. An employee's violation of those regulations may cause the employee's agency to take disciplinary action, or corrective action as that term is used in 5 CFR part 2635. Such disciplinary action or corrective action may be in addition to any penalty prescribed by law.

Appendix B

5 CFR 2635 – Standards of Ethical Conduct for Employees of the Executive Branch

Subpart A - General Provisions

§ 2635.101 - Basic obligation of public service.

- (a) *Public service is a public trust.* Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.
- (b) *General principles.* The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.
 - (1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
 - (2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.
 - (3) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
 - (4) An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
 - (5) Employees shall put forth honest effort in the performance of their duties.
 - (6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
 - (7) Employees shall not use public office for private gain.

- (8) Employees shall act impartially and not give preferential treatment to any private organization or individual.
 - (9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
 - (10) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
 - (11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
 - (12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
 - (13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
 - (14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.
- (c) *Related statutes.* In addition to the standards of ethical conduct set forth in this part, there are conflict of interest statutes that prohibit certain conduct. Criminal conflict of interest statutes of general applicability to all employees, 18 U.S.C. 201, 203, 205, 208, and 209, are summarized in the appropriate subparts of this part and must be taken into consideration in determining whether conduct is proper. Citations to other generally applicable statutes relating to employee conduct are set forth in subpart I and employees are further cautioned that there may be additional statutory and regulatory restrictions applicable to them generally or as employees of their specific agencies. Because an employee is considered to be on notice of the requirements of any statute, an employee should not rely upon any description or synopsis of a statutory restriction, but should refer to the statute itself and obtain the advice of an agency ethics official as needed.

§ 2635.102 - Definitions.

The definitions listed below are used throughout this part. Additional definitions appear in the subparts or sections of subparts to which they apply. For purposes of this part:

- (a) *Agency* means an executive agency as defined in 5 U.S.C. 105 and the Postal Service and the Postal Rate Commission. It does not include the General Accounting Office or the Government of the District of Columbia.
- (b) *Agency designee* refers to any employee who, by agency regulation, instruction, or other issuance, has been delegated authority to make any determination, give any approval, or take any other action required or permitted by this part with respect to another employee. An agency may delegate these authorities to any number of agency designees necessary to ensure that determinations are made, approvals are given, and other actions are taken in a timely and responsible manner. Any provision that requires a determination, approval, or other action by the agency designee shall, where the conduct in issue is that of the agency head, be deemed to require that such determination, approval or action be made or taken by the agency head in consultation with the designated agency ethics official.
- (c) *Agency ethics official* refers to the designated agency ethics official or to the alternate designated agency ethics official, referred to in § 2638.202(b) of this chapter, and to any deputy ethics official, described in § 2638.204 of this chapter, who has been delegated authority to assist in carrying out the responsibilities of the designated agency ethics official.
- (d) *Agency programs or operations* refer to any program or function carried out or performed by an agency, whether pursuant to statute, Executive order, or regulation.
- (e) *Corrective action* includes any action necessary to remedy a past violation or prevent a continuing violation of this part, including but not limited to restitution, change of assignment, disqualification, divestiture, termination of an activity, waiver, the creation of a qualified diversified or blind trust, or counseling.
- (f) *Designated agency ethics official* refers to the official designated under § 2638.201 of this chapter.
- (g) *Disciplinary action* includes those disciplinary actions referred to in Office of Personnel Management regulations and instructions implementing provisions of title 5 of the United States Code or provided for in comparable provisions applicable to employees not subject to title 5, including but not limited to reprimand, suspension, demotion, and removal. In the case of a military officer, comparable provisions may include those in the Uniform Code of Military Justice.
- (h) *Employee* means any officer or employee of an agency, including a special Government employee. It includes officers but not enlisted members of the uniformed services. It includes employees of a State or local government or other organization who are serving on detail to an agency, pursuant to 5 U.S.C. 3371, *et seq.* For purposes other than subparts B and C of this part, it does not include

the President or Vice President. Status as an employee is unaffected by pay or leave status or, in the case of a special Government employee, by the fact that the individual does not perform official duties on a given day.

- (i) *Head of an agency*, in the case of an agency headed by more than one person, the chair or comparable member of such agency.
- (j) *He, his, and him* include she, hers and her.
- (k) *Person* means an individual, corporation and subsidiaries it controls, company, association, firm, partnership, society, joint stock company, or any other organization or institution, including any officer, employee, or agent of such person or entity. For purposes of this part, a corporation will be deemed to control a subsidiary if it owns 50 percent or more of the subsidiary's voting securities. The term is all-inclusive and applies to commercial ventures and nonprofit organizations as well as to foreign, State, and local governments, including the Government of the District of Columbia. It does not include any agency or other entity of the Federal Government or any officer or employee thereof when acting in his official capacity on behalf of that agency or entity.
- (l) *Special Government employee* means those executive branch officers or employees specified in 18 U.S.C. 202(a). A special Government employee is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for a period not to exceed 130 days during any consecutive 365-day period.
- (m) *Supplemental agency regulation* means a regulation issued pursuant to § 2635.105.

§ 2635.103 - Applicability to members of the uniformed services.

The provisions of this part, except this section, are not applicable to enlisted members of the uniformed services. Each agency with jurisdiction over enlisted members of the uniformed services shall issue regulations defining the ethical conduct obligations of enlisted members under its jurisdiction. Those regulations shall be consistent with Executive Order 12674, April 12, 1989, as modified, and may prescribe the full range of statutory and regulatory sanctions, including those available under the Uniform Code of Military Justice, for failure to comply with such regulations.

§ 2635.104 - Applicability to employees on detail.

- (a) *Details to other agencies*. Except as provided in paragraph (d) of this section, an employee on detail, including a uniformed officer on assignment, from his employing agency to another agency for a period in excess of 30 calendar days shall be subject to any supplemental agency regulations of the agency to which

he is detailed rather than to any supplemental agency regulations of his employing agency.

- (b) *Details to the legislative or judicial branch.* An employee on detail, including a uniformed officer on assignment, from his employing agency to the legislative or judicial branch for a period in excess of 30 calendar days shall be subject to the ethical standards of the branch or entity to which detailed. For the duration of any such detail or assignment, the employee shall not be subject to the provisions of this part, except this section, or, except as provided in paragraph (d) of this section, to any supplemental agency regulations of his employing agency, but shall remain subject to the conflict of interest prohibitions in title 18 of the United States Code.
- (c) *Details to non-Federal entities.* Except to the extent exempted in writing pursuant to this paragraph, an employee detailed to a non-Federal entity remains subject to this part and to any supplemental agency regulation of his employing agency. When an employee is detailed pursuant to statutory authority to an international organization or to a State or local government for a period in excess of six months, the designated agency ethics official may grant a written exemption from subpart B of this part based on his determination that the entity has adopted written ethical standards covering solicitation and acceptance of gifts which will apply to the employee during the detail and which will be appropriate given the purpose of the detail.
- (d) *Applicability of special agency statutes.* Notwithstanding paragraphs (a) and (b) of this section, an employee who is subject to an agency statute which restricts his activities or financial holdings specifically because of his status as an employee of that agency shall continue to be subject to any provisions in the supplemental agency regulations of his employing agency that implement that statute.

§ 2635.105 - Supplemental agency regulations.

In addition to the regulations set forth in this part, an employee shall comply with any supplemental agency regulations issued by his employing agency under this section.

- (a) An agency that wishes to supplement this part shall prepare and submit to the Office of Government Ethics, for its concurrence and joint issuance, any agency regulations that supplement the regulations contained in this part. Supplemental agency regulations which the agency determines are necessary and appropriate, in view of its programs and operations, to fulfill the purposes of this part shall be:
 - (1) In the form of a supplement to the regulations in this part; and
 - (2) In addition to the substantive provisions of this part.

- (b) After concurrence and co-signature by the Office of Government Ethics, the agency shall submit its supplemental agency regulations to the *Federal Register* for publication and codification at the expense of the agency in title 5 of the Code of Federal Regulations. Supplemental agency regulations issued under this section are effective only after concurrence and co-signature by the Office of Government Ethics and publication in the *Federal Register*.
- (c) This section applies to any supplemental agency regulations or amendments thereof issued under this part. It does not apply to:
 - (1) A handbook or other issuance intended merely as an explanation of the standards contained in this part or in supplemental agency regulations;
 - (2) An instruction or other issuance the purpose of which is to:
 - (i) Delegate to an agency designee authority to make any determination, give any approval or take any other action required or permitted by this part or by supplemental agency regulations; or
 - (ii) Establish internal agency procedures for documenting or processing any determination, approval or other action required or permitted by this part or by supplemental agency regulations, or for retaining any such documentation; or
 - (3) Regulations or instructions that an agency has authority, independent of this part, to issue, such as regulations implementing an agency's gift acceptance statute, protecting categories of nonpublic information or establishing standards for use of Government vehicles. Where the content of any such regulations or instructions was included in the agency's standards of conduct regulations issued pursuant to Executive Order 11222 and the Office of Government Ethics concurs that they need not be issued as part of an agency's supplemental agency regulations, those regulations or instructions may be promulgated separately from the agency's supplemental agency regulations.
- (d) Employees of a State or local government or other organization who are serving a detail to an agency, pursuant to 5 U.S.C. 3371, *et seq.*, are subject to any requirements, in addition to those in this part, established by a supplemental agency regulation issued under this section to the extent that such regulation expressly provides.

§ 2635.106 - Disciplinary and corrective action.

- (a) Except as provided in § 2635.107, a violation of this part or of supplemental agency regulations may be cause for appropriate corrective or disciplinary action

to be taken under applicable Governmentwide regulations or agency procedures. Such action may be in addition to any action or penalty prescribed by law.

- (b) It is the responsibility of the employing agency to initiate appropriate disciplinary or corrective action in individual cases. However, corrective action may be ordered or disciplinary action recommended by the Director of the Office of Government Ethics under the procedures at part 2638 of this chapter.
- (c) A violation of this part or of supplemental agency regulations, as such, does not create any right or benefit, substantive or procedural, enforceable at law by any person against the United States, its agencies, its officers or employees, or any other person. Thus, for example, an individual who alleges that an employee has failed to adhere to laws and regulations that provide equal opportunity regardless of race, color, religion, sex, national origin, age, or handicap is required to follow applicable statutory and regulatory procedures, including those of the Equal Employment Opportunity Commission.

§ 2635.107 - Ethics advice.

- (a) As required by §§ 2638.201 and 2638.202(b) of this chapter, each agency has a designated agency ethics official who, on the agency's behalf, is responsible for coordinating and managing the agency's ethics program, as well as an alternate. The designated agency ethics official has authority under § 2638.204 of this chapter to delegate certain responsibilities, including that of providing ethics counseling regarding the application of this part, to one or more deputy ethics officials.
- (b) Employees who have questions about the application of this part or any supplemental agency regulations to particular situations should seek advice from an agency ethics official. Disciplinary action for violating this part or any supplemental agency regulations will not be taken against an employee who has engaged in conduct in good faith reliance upon the advice of an agency ethics official, provided that the employee, in seeking such advice, has made full disclosure of all relevant circumstances. Where the employee's conduct violates a criminal statute, reliance on the advice of an agency ethics official cannot ensure that the employee will not be prosecuted under that statute. However, good faith reliance on the advice of an agency ethics official is a factor that may be taken into account by the Department of Justice in the selection of cases for prosecution. Disclosures made by an employee to an agency ethics official are not protected by an attorney-client privilege. An agency ethics official is required by 28 U.S.C. 535 to report any information he receives relating to a violation of the criminal code, title 18 of the United States Code.

Complete text of 5 CFR 2635, [Standards of Ethical Conduct for Employees of the Executive Branch](#), Subparts A through I as of April 29, 2016.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: August 2, 2016

NUMBER: 87

This Change Notice transmits modifications to PPPM Chapter 732, Personnel Suitability and Security Adjudication. The following amendments are made:

REMOVE

1. Entire Chapter 732 dated Jul 1989

INSERT

Chapter 732 dated August 2016

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner

Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 732

PERSONNEL SUITABILITY AND SECURITY ADJUDICATION

1. INTRODUCTION

A. BACKGROUND

Executive Order (E.O.) 10450, as amended, emphasizes that employment in the Federal Government is a privilege, and the interests of national security require all persons granted this privilege to "be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States." To implement E.O. 10450, as amended, outside agencies conduct employee investigations, adjudicate suitability, and authorize clearances for access. Further, under the Executive Order, each agency is responsible for (1) designating position sensitivity; (2) initiating required entry investigations and periodic reinvestigations; (3) making security determinations in accordance with applicable regulations; (4) complying with applicable personnel security program administration requirements; (5) assuring that appropriate training is provided; and (6) establishing and maintaining an effective personnel security program.

Under Title 5, Code of Federal Regulations, Part 731 (5 CFR 731), OPM and agencies with delegated authority can make suitability determinations and take suitability actions in cases involving covered positions that are subject to investigation. Positions covered by 5 CFR 731 are those in the competitive service, those in the excepted service where the incumbent can be noncompetitively converted to the competitive service, or a career appointment to the Senior Executive Service. Those subject to investigation requirements are described at 5 CFR 731.104. Under 5 CFR 731, if an unfavorable suitability determination is made, the following actions may be applicable: cancellation of eligibility; removal; cancellation of reinstatement eligibility; and debarment.

B. OBJECTIVE

Selective Service System (SSS) seeks to employ and retain in employment only persons whose employment or retention is found to be clearly consistent with the interests of national security and the SSS operations. Practices and procedures contained in this Chapter are designed to achieve this objective by assuring that suitability and security regulations and requirements are administered consistently, equitably, and impartially.

PERSONNEL POLICIES AND PROCEDURES MANUAL

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C. AUTHORITY

5 CFR 731; E.O. 10450; 5 CFR 1400, Security Requirements for Government Employment; E.O. 12958, Classified National Security Information; E.O. 12968, Access to Classified Information and Background Investigation; E.O. 13467, Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information; Title 5 U.S.C., Sections 7312, 7531-7533; 5 U.S.C. 3301; OMB Circular A-130, Appendix III, November 28, 2000.

D. REFERENCES

Federal Investigations Notice No. 10-06, Position Designation Requirements, August 11, 2010; 5 CFR 731; E.O. 12968, and Agency authorities.

Federal Investigations Notice No. 15-03, Implementation of Federal Investigative Standards for Tier 1 and Tier 2 Investigations, November 4, 2014.

E. APPLICABILITY

- (1) This Chapter applies to all compensated SSS employees: civilian, military, and contractor.
- (2) All employees, including experts, consultants, and part-time, are subject this Chapter's investigative procedures.
- (3) In addition to other requirements, employees occupying positions of public trust are subject to more stringent personnel security requirements.
- (4) Military members assigned to Selective Service System are subject to parent service security standards according to Chapter 900 of the Personnel Policies and Procedures Manual (PPPM). Members occupying sensitive positions are subject to the appropriate background investigations described in paragraph 3.

2. POSITION SENSITIVITY

A. SENSITIVITY FOR NATIONAL SECURITY AND SUITABILITY

Federal Investigations Notice No. 10-06, Position Designation Requirements, August 11, 2010, requires all positions to be designated

for risk and national security sensitivity to ensure appropriate screening under E.O. 10450 and E.O. 13467. Sensitivity designation is based on an assessment of the position's importance and on the degree of damage an individual, by virtue occupying a position, could cause to national security.

- (1) There are four (4) levels for designating national security related positions:
 - (a) Special-Sensitive (SS), Level 4, is the designation applied to positions involving duties especially critical to the Agency in which: 1) incumbents could affect national security; 2) there is potential for inestimable damage to Agency operations and/or national security; and, 3) incumbents have access to Sensitive Compartmented Information (SCI) and Top Secret Special Access Programs (SAP).
 - (b) Critical-Sensitive (CS), Level 3, is the designation applied to positions involving duties of major importance to the Agency in which: 1) incumbents have access to Top Secret classified information; 2) are responsible for developing or approving plans, policies, or programs affecting overall SSS operations and involve issuing personnel security clearances; and/or, 3) have fiduciary responsibility, public contact, or other duties demanding the highest degree of public trust for which there is a potential for exceptionally grave damage to the national security.
 - (c) Noncritical-Sensitive (NCS), Level 2, is the designation applied to positions involving duties of considerable importance to the Agency in which incumbents have access to Secret or Confidential national security materials, duties that could directly or indirectly adversely affect the Agency's overall operations; and/or, duties demanding a high degree of confidence and trust.
 - (d) Non-Sensitive (NS), Level 1, is the designation applied to all positions that do not meet the definitions of Level 2 or 3.
 - (e) Positions responsible for physical security, information technology (IT), investigations/audits ,adjudications; and protection of government funds, IT systems, and

personal, private, controlled unclassified or proprietary information will be designated CS (Level 3).

B. POSITION DESIGNATION SYSTEM

SSS shall use the Position Designation System and Automated Tool to simplify and automate the designation process, which is available on the Office of Personnel Management (OPM) website www.opm.gov/investigate. This tool is required for all positions in the competitive service, positions in the excepted service in which the incumbent can be noncompetitively converted to the competitive service, and career appointments in the Senior Executive Service.

3. SUITABILITY AND NATIONAL SECURITY DETERMINATION

A. SUITABILITY ADJUDICATION

Civil service requires high standards of integrity and trust to promote the public's interests. OPM established a suitability program in the Federal competitive service to reduce the potential for abuse of the public trust; ensure government-wide uniformity and fairness for applicants, appointees, and employees; and determine suitability for employment. This program's requirements apply to applicants for employment and to individuals already employed.

Suitability refers to identifiable character traits and conduct sufficient to decide whether an individual is likely or not likely to be able to carry out the duties of a Federal job with appropriate integrity, efficiency, and effectiveness.

Suitability adjudication is to establish a reasonable expectation that the person's employment or continued employment, either would or would not, protect the integrity or promote the efficiency of the service. When there is a reasonable expectation that a person's employment would not do so, the person must be found unsuitable. The specific factors outlined below are used to determine whether a person is suitable for Federal employment and taking a suitability action:

- (1) Misconduct or negligence in employment;
- (2) Criminal or dishonest conduct;
- (3) Material, intentional false statement, or deception or fraud in examination or appointment;

- (4) Refusal to furnish testimony as required by 5 CFR 5.4;
- (5) Alcohol abuse, without evidence of substantial rehabilitation, of a nature and duration that suggests the applicant or appointee would be prevented from performing the duties of the position in question, or would constitute a direct threat to the property or safety of the applicant or appointee or others;
- (6) Illegal use of narcotics, drugs, or other controlled substances without evidence of substantial rehabilitation;
- (7) Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force; and
- (8) Any statutory or regulatory bar which prevents the lawful employment of the person involved in the position in question.

Additional considerations must be evaluated by an SSS adjudicator to the extent, in his/her sole discretion, they are deemed pertinent to the individual case:

- (1) Nature of the position for which the person is applying or in which the person is employed;
- (2) Nature and seriousness of the conduct;
- (3) Circumstances surrounding the conduct;
- (4) Recency of the conduct;
- (5) Age of the person involved at the time of the conduct;
- (6) Contributing societal conditions; and
- (7) Absence or presence of rehabilitation or efforts toward rehabilitation.

B. PERSONNEL SECURITY ADJUDICATION

The adjudication process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is an acceptable security risk. Eligibility for access to classified information is predicated upon the individual meeting these personnel security guidelines. The adjudication process involves carefully weighing a number of variables, known as the whole-person concept.

Each case must be judged on its own merits, and final determination remains the responsibility of SSS. Any doubt concerning personnel being considered for access to classified information will be resolved in favor of national security.

Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination. In evaluating the relevance of an individual's conduct, the adjudicator should consider the following factors:

- (1) Nature, extent, and seriousness of the conduct;
- (2) Circumstances surrounding the conduct, to include knowledgeable participation;
- (3) Frequency and recency of the conduct;
- (4) Individual's age and maturity at the time of the conduct;
- (5) Extent to which participation is voluntary;
- (6) Presence or absence of rehabilitation and other permanent behavioral changes;
- (7) Motivation for the conduct;
- (8) Potential for pressure, coercion, exploitation, or duress; and
- (9) Likelihood of continuation or recurrence.

The ability to develop specific thresholds for action under these guidelines is limited by the nature and complexity of human behavior. The ultimate determination of whether granting or continuing eligibility for a security clearance is clearly consistent with the interests of national security and must be based on judgment based upon careful consideration of the following guidelines, each of which is to be evaluated in the context of the whole person:

- (1) Guideline A: Allegiance to the United States;
- (2) Guideline B: Foreign Influence;
- (3) Guideline C: Foreign Preference;
- (4) Guideline D: Sexual Behavior;

- (5) Guideline E: Personal Conduct;
- (6) Guideline F: Financial Considerations;
- (7) Guideline G: Alcohol Consumption;
- (8) Guideline H: Drug Involvement;
- (9) Guideline I: Psychological Conditions;
- (10) Guideline J: Criminal Conduct;
- (11) Guideline K: Handling Protected Information;
- (12) Guideline L: Outside Activities; and
- (13) Guideline M: Use of Information Technology Systems

Although adverse information concerning a single criterion may not be sufficient for an unfavorable determination, the individual may be disqualified, if available information reflects a recent or recurring pattern of questionable judgment, irresponsibility, or emotionally unstable behavior. Notwithstanding the whole-person concept, pursuit of further investigation may be terminated by an appropriate adjudicative agency in the face of reliable, significant, disqualifying, adverse information. An SSS adjudicator must report to OPM an adjudicative determination and action taken with respect to an individual investigated pursuant to E.O. 10450 as soon as possible, and in no event later than 90 days after receiving the investigation's final report.

4. **INVESTIGATIONS**

A. TYPES OF BACKGROUND INVESTIGATIONS

The appointment of each civilian officer or employee in any Government department or agency shall be made subject to investigation. Each position designated sensitive for national security or program efficiency requires a specific background investigation of the incumbent or applicant and periodic updates of this background investigation. These background investigations include the following.

- (1) Single Scope Background Investigations (SSBI) is required for positions designated at SS and CS. The SSBI includes a National Agency Check (NAC), plus a credit search; a personal subject interview (PRSI); NAC on spouse or cohabitant;

interviews at employment for past seven (7) years; interviews at schools and residences covering the past three (3) years; review of any court action covering the past 10 years; interview of any former spouse divorced within the past 10 years, interview of four (4) social references who collectively cover at least the past seven (7) years; checks at local law enforcement agencies where the subject lived, worked, and/or attended school within the last 10 years, and if applicable, the appropriate agency for any identified arrests; verification of citizenship or legal status of all foreign-born immediate family members and cohabitants. It is conducted on the SF86.

- (2) A Background Investigation (BI) is required for High Risk Public Trust investigations. The BI includes a National Agency Check with Local Agency Check and Credit (NACLC), plus a PRSI; interviews at employment, schools, and residences for the past five (5) years; and a review of any court actions for past five (5) years. It is conducted on the SF85P.
- (3) A Moderate Risk Background Investigation (MBI) is required for positions designated as Moderate Risk Public Trust. It is conducted on the SF85P covering the past five (5) years.
- (4) A National Agency Check and Inquiries (NACI) is required for applicants and incumbents of positions designated NS. The NACI includes a National Agency Check, plus written inquiries to current and past employers, schools, references, and local law enforcement agencies covering the past five (5) years, and, if applicable, the appropriate agency for any identified arrests. It is conducted on the SF85.
- (5) Reinvestigations are required as described in Table 1.
- (6) Reciprocity allows eligibility determinations conducted according to E.O. 12968 standards to be accepted without re-adjudication. Also, reciprocity can be applied to suitability determinations. A further investigation is only conducted to meet reinvestigation requirements, security clearance revalidation requirements, or if derogatory information exists.

LEVEL	POSITION	FORM	INVESTIGATION	REINVESTIGATION
Tier 1	Low Risk, Non-Sensitive & HSPD-12 Credentialing	<u>SF85</u>	NACI	None
Tier 2	Moderate Risk PT, Noncritical Sensitive, including Confidential & Secret access eligibility	<u>SF85P</u>	MBI	Confidential, every 15 years, and, Secret, every 10 years
Tier TBD	High Risk PT, Critical Sensitive with <u>NO</u> National Security Sensitivity, including Confidential & Secret access eligibility	<u>SF85P</u>	BI	Confidential, every 15 years, and, Secret, every 10 years
Tier TBD	High Risk PT, Critical Sensitive, Special Sensitive and with National Security Sensitivity	<u>SF86</u>	SSBI	Every 5 years

Table 1. Investigations Chart

B. TIMING OF INVESTIGATIONS

- (1) Background investigations must be initiated within seven (7) days of appointment for all Federal employees assigned to the Agency.
- (2) Investigations for noncritical-sensitive positions, critical sensitive positions, and special-sensitive positions are pre-appointment investigations.

C. MILITARY BACKGROUND INVESTIGATIONS

Background investigations for military members are performed by the Department of Defense.

D. WAIVERS

In accordance with 5 CFR 1400, a pre-appointment investigation waiver for persons entering NCS or CS positions may be made "in case of emergency" if the Director of the Selective Service finds such actions in the national interest and the following conditions are met:

- (1) The required investigation is initiated within fourteen (14) days from determination of need for clearance.

- (2) The National Agency Check (NAC) is completed and prior investigations (within the last five (5) years) are verified.
- (3) Fingerprint check results have been received.
- (4) Credit check results have been received.

A pre-appointment investigation may not be waived for appointments to positions designated SS by 5 CFR Part 731.

E. PRE-APPOINTMENT RECORD

The pre-appointment record check will record the following information:

- (1) OF-306, Declaration for Federal Employment for all civilians and contractors;
- (2) SF86, Questionnaire for National Security Positions submitted via OPM e-QIP is complete;
- (3) SF85P, or SF85 Questionnaire for Public Trust Positions, is complete;
- (4) NAC is complete or verified;
- (5) Credit check results received or verified;
- (6) Fingerprint results received or verified;
- (7) Contact information for most recent former employer provided; and,
- (8) Record of prior background investigation; type and year adjudicated received and verified.

F. POSITIONS REQUIRING ACCESS TO CLASSIFIED INFORMATION

Incumbents occupying positions requiring local access to classified information will be issued a Certificate of Clearance and/or Security Determination (SSS Form 490) by the Personnel Security Officer, who shall also provide a copy to the Top Secret Control Officer.

After completing the appropriate background investigation, the Personnel Security Officer or designee will review the investigation to

ascertain if derogatory information is present that would preclude an employee's assignment to the position as described in paragraph 2. If suitability adjudication is not favorable, the Personnel Security Officer will follow OPM procedures for such suitability adjudications.

G. APPEAL RIGHTS

Any person (employee or applicant) who receives an unfavorable suitability action has a right to appeal to the Merit Systems Protection Board (MSPB). Anyone filing an appeal must do so in accordance with MSPB regulations and time frames. Procedures for filing an appeal with the MSPB are found in 5 CFR sections 1201 of Parts 300.104 and 1201.2. Individuals must be provided their appeal rights and the Agency's or OPM's notification of the final suitability decision or determination in accordance with 5 CFR section 731.402 of Parts 302, 315, 332, 359, 731, 732 and 752.

H. DEBARMENT

Only OPM has the authority to debar an applicant or appointee for material, intentional false statement, deception, or fraud in examination or appointment. The Agency may submit a debarment action against an applicant or appointee when the exercising authority determines the applicant or appointee is unsuitable for reasons cited in 5 CFR 731.202.

SSS has the authority to impose up to a three year period of debarment from either all or specific covered positions within the Agency when the issues are not recent or serious enough to warrant referral to OPM to consider imposing a government-wide debarment from all Federal covered positions. SSS does not have the authority to bar from all covered positions government-wide. OPM and SSS have sole discretion to determine the length of debarment to impose. SSS is required to use OPM's Debarment Guidelines for Basic Suitability Evaluation.

5. RESPONSIBILITIES

- A. The Director is responsible for ensuring the employment of each civilian is clearly consistent with national security and SSS operations, and is authorized to grant a waiver of pre-appointment investigation requirements.
- B. The Chief of Staff has oversight of the SSS Personnel Suitability and Security Program.

- C. The Human Resources Officer (HRO) is the Agency Personnel Security Officer and is responsible for implementing and administering the SSS Personnel Suitability and Security Program by:
- (1) Administering and certifying sensitivity designations of positions according to paragraph 2;
 - (2) Assuring appropriate personnel background investigations and periodic reinvestigations for individuals are completed according to paragraph 3;
 - (3) Recommending the granting of waivers of pre-appointment investigations for positions when warranted, according to paragraph 4;
 - (4) Reviewing background investigation results by adjudication designees and making suitability adjudications or referring the case to the Director through the Chief of Staff for determinations, when favorable adjudication cannot be made;
 - (5) Granting security clearances, on SSS Form 490, Certificate of Clearances, and/or security clearance determination to those individuals requiring access to classified information for performance of duties. Additionally, the employee must sign SF 312, Classified Information Nondisclosure Agreement. The HRO will administer;
 - (6) Affirming to organizations outside of SSS, where national security (classified) information may be disclosed by members of the visited organization, that an SSS employee has been issued a clearance certificate. Normally, this information can be verified by other organizations through the Central Verification System administered by OPM. An affirmation or visit request may cover any period ranging from a single visit to recurring visits over an unlimited amount of time. Affirmations will contain the following information:
 - (a) Employee's full name and date of birth;
 - (b) Social security number;
 - (c) Citizenship;
 - (d) Level of security clearance;
 - (e) Date current clearance was granted;

- (f) Type of investigation that served as basis for clearance;
 - (g) Agency that conducted the investigation; and,
 - (h) Date background investigation was completed.
- (7) Ensuring SSS employees receive the appropriate security briefings and are informed of their responsibilities when accessing and handling classified material and information, both while employed in a sensitive position and upon leaving a sensitive position either through reassignment, promotion, absence from SSS for 120 calendar days or more, or termination;
 - (8) Ensuring SSS employees assigned to a new or different position within the Agency have or acquire the appropriate background investigation for the new position;
 - (9) Ensuring employees affected by a Reduction-in-Force who are offered a new position with a higher designation are informed that a new investigation may be required prior to the employee reporting to the new position; and,
 - (10) Ensuring Personnel Suitability and Security Program files are stored and maintained for background investigations on SSS personnel, and files are updated at the appropriate times.
 - (11) Using the National Archives and Records Administration (NARA), General Records Schedule 18, Transmittal No. 22, for guidance on proper disposal/destruction cycle for relevant Personnel Suitability and Security Programs.
- D. Supervisors are responsible for recommending the necessary sensitivity designations. The Position Designation Tool is used to determine the risk designation. Risk is for non-national security positions or the non-national security aspects of the position. Sensitivity is for national security positions. It is possible for the position to require a higher level of investigation due to the suitability elements being higher risk than the level of clearance would require.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: June 16, 2016

NUMBER: 88

This Change Notice transmits modifications to PPPM Chapter 772, Anti-Harassment Policy. The following amendments are made:

REMOVE

INSERT

1. Entire Headquarters Order 92-18 dated 9 Oct.1992 Chapter 772 dated June 2016
2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner

A handwritten signature in black ink, appearing to read 'Lawrence G. Romo'.

Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 772

SELECTIVE SERVICE ANTI-HARASSMENT POLICY

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PERSONNEL POLICY AND PROCEDURES MANUAL
CHAPTER 772
ANTI-HARASSMENT POLICY

1. PURPOSE

This chapter establishes the Selective Service System's (SSS) policy and procedures for responding to harassment in the workplace by describing what an individual must do and where to go to get help, if the individual believes she/he has been harassed.

2. OBJECTIVES

The objectives of the SSS policy are to:

- A. Provide a clear process for employees to report harassment;
- B. Describe what managers and supervisors must do when they receive an allegation of harassment or witness harassment of an employee;
- C. Define conduct that violates SSS policy and outline procedures for addressing it;
- D. Ensure that appropriate officials are notified and have the opportunity to promptly correct hostile or abusive conduct;
- E. Establish a process :
 - (1) Is distinct and does not exist for the same purpose as the Equal Employment Opportunity (EEO) complaint process; and
 - (2) Is intended for management to take immediate and appropriate corrective action to eradicate harassment, regardless of whether the conduct violated the law; and
 - (3) Prevents and/or corrects conduct that is, or has the potential to become, so severe or pervasive that it may constitute a violation of the law.

3. AUTHORITIES

As defined by this policy, harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, the Genetic Information Non-Discrimination Act of 2008, or Executive 11478, Equal Employment Opportunity in the Federal Government, as amended by Executive

Order 13087 of May 1998.

4. BACKGROUND

Harassment undermines the integrity of the employment relationship and interferes with work productivity. With this policy, SSS puts in place appropriate measures to prevent harassment (sexual or non-sexual) in the workplace and to correct harassing behavior before it becomes severe or pervasive.

Harassing behavior by an SSS employee does not need to rise to the level of unlawful harassment in order for it to constitute misconduct. Violations of this policy may result in administrative or disciplinary actions against offenders.

5. DEFINITIONS

A. HARASSMENT is unwelcome conduct that may be based on race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, gender identity, or retaliation. Harassment occurs when:

- (1) The conduct is a term or condition of employment; and
- (2) Employment decisions are based on whether an individual accepts or rejects such conduct, or
- (3) The conduct is severe or pervasive and has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, abusive, or hostile work environment.

B. HARASSING CONDUCT includes, but is not limited to: bullying, slurs, epithets, ridicule, negative stereotyping, insults, derogatory or disrespectful remarks, spreading rumors, swearing, offensive jokes, offensive objects or pictures, intimidation, use of obscenities in speech, incessant teasing, expressing or insinuating threats, threatened assault, hitting, punching, other unwanted touching, malicious or insulting gestures, and threats or assaults directly related to race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, gender identity, or retaliation.

C. SEXUAL HARASSMENT is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;
- (2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

- (3) Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive environment.
- D. The HARASSER can be a management official, supervisor, co-worker, or a non-employee (e.g. trainee, contractor). The person who alleges harassment does not have to be the person harassed, but can be anyone impacted by the offensive conduct.
- E. EMPLOYMENT ACTIONS refer to decisions that significantly change an employee's employment status. Such actions include, but are not limited to hiring, firing, promoting, demoting, and reassigning an employee.
- F. REPRISAL OR RETALIATION occurs when employees are treated differently because they are, or were, involved in a harassment complaint or a protected EEO activity, such as providing testimony in a harassment or EEO investigation, filing a complaint, or speaking out against activities that are discriminatory or involve harassment.
- G. UNLAWFUL HARASSMENT includes unwelcome intimidation, ridicule, insults, comments, or verbal or physical conduct that is based on race, color, religion, age (40 years or older), disability (physical or mental), national origin, reprisal, sex (whether or not of a sexual nature), sexual orientation, disability, or genetic information when:
 - (1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
 - (2) A manager/supervisor makes an employee's submission to, or rejection of, such conduct the basis for employment decisions affecting the employee; or
 - (3) Conduct is intended to interfere or actually has the effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.
- H. WORKPLACE HARASSMENT is any form of unwelcome, pervasive, persistent, and unsolicited verbal, non-verbal, written, or physical conduct that is so objectively offensive that it alters the victim's terms and conditions of employment. This happens by either culminating in a tangible employment action or by being sufficiently severe or pervasive as to unreasonably interfere with an employee's work performance by creating an intimidating, abusive, offensive, or hostile work environment.

6. ANTI - HARASSMENT POLICY

A. ZERO TOLERANCE

SSS maintains a policy of zero tolerance for Harassment, Discrimination, and Retaliation. To that end, SSS promotes and maintains a work environment free of harassment, as defined. In addition, SSS will not tolerate retaliation against any employee for reporting matters under this policy or procedure, or for assisting in any inquiry about such a report.

A management inquiry will be conducted to review allegations of harassment. Information obtained during management inquiries will be held in confidence and will be disclosed only on a "need to know" basis in order to resolve matters. The SSS will take prompt corrective action as deemed appropriate to correct harassing conduct. Reprisal against anyone who sets a management inquiry in motion or who engages in the equal employment opportunity process will not be tolerated.

A hostile work environment claim requires demonstrating a pattern of offensive conduct. Isolated incidents of unwelcome conduct generally do not violate Federal law. To be unlawful, conduct must create a work environment that would be hostile, intimidating, or offensive to a reasonable person. For purposes of this policy, the "reasonable person" standard considers the aggrieved person's perspective and assesses whether a reasonable person exposed to the same or similar circumstances would find the environment hostile, intimidating, or offensive.

However, SSS will not wait for patterns of inappropriate conduct to become severe or pervasive. Conduct that does not rise to the level of unlawful harassment actionable under Title VII of the Civil Rights Act of 1964, Age Discrimination Act of 1967, Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, Genetic Information Non-Discrimination Act of 2008, or Executive Order 11478, Equal Employment Opportunity in the Federal Government, as amended by Executive Order 130087 of May 1998, may be treated as misconduct subject to the SSS Personnel Policies & Procedures Manual (PPPM), Chapter 752, Table of Penalties.

B. RESPONSIBILITIES

(1) All SSS Staff are expected to:

- (a) Understand their rights and responsibilities under this policy;
- (b) Participate in the periodic anti-harassment training;
- (c) Refrain from engaging in harassing conduct;
- (d) Report harassing conduct by employees or others in the

workplace;

- (e) Inform the supervisor of the offending employee, or any of the following individuals: her/his supervisor or another supervisor in the work unit; the Office Director, HRO, or EEO Director; if subjected to harassing conduct.
- (f) Fully cooperate in any inquiry or investigation.

(2) Supervisors and managers must:

- (a) Ensure a workplace free of harassment;
- (b) Ensure subordinates are aware of this policy and procedures, their responsibilities, and evaluate them on their compliance;
- (c) Take immediate, appropriate steps to mitigate any alleged harassment of which they are aware;
- (d) Immediately initiate an inquiry into the alleged harassment and upon the inquiry's conclusion, notify the Associate Director, General Counsel, HRO, and EEO Director about the outcome and provide a written description of any effort to resolve the matter upon receiving an allegation of harassment involving an employee s/he supervises. Upon receiving an allegation of harassment, the manager and supervisor should also consult immediately with General Counsel. Supervisors/managers should not wait more than one day for a response before initiating the inquiry.
- (e) Monitor the work environment following a report alleging a violation of this policy to ensure there are no further violations or incidents of retaliation against any individual who reported harassment or participated in the inquiry.

(3) EEO Director is responsible for:

- (a) Distributing this policy and procedures to all employees on a periodic basis, posting this policy on the SSS portal, and reminding employees of their responsibilities.
- (b) Developing and providing periodic training for all employees on this policy and its requirements.
- (c) Providing oversight and technical assistance and support to ensure compliance with this policy. This includes providing guidance to all Managers, Associate Directors, and the

Director on how to provide relief to individuals alleging harassing conduct pending the outcome of a management inquiry;

- (d) Administering the EEO Program, including processing EEO complaints.
- (e) Monitoring these procedures and ensuring they are implemented properly.

(4) Human Resources Officer (HRO) is responsible for:

- (a) Assisting SSS supervisors and managers to enable them to comply with the agency's anti-harassment policy and procedures;
- (b) Assisting managers and supervisors to in identifying the most appropriate performance measure in employee plans where compliance with this policy and procedures can be evaluated;
- (c) Ensuring supervisors and managers performance plans have a performance measure related to compliance with this policy and procedures;
- (d) Ensuring all new employees know where this PPPM chapter is posted;
- (e) Maintaining all harassment inquiry-related records and files in a secure location.

(5) General Counsel is responsible for:

- (a) Providing legal advice and services to all SSS members on preventing harassment;
- (b) Advising managers and supervisors on appropriate actions and penalties for workplace misconduct;
- (c) Collaborating with EEO Director to guide supervisors and managers on options for relief available to individuals alleging harassment pending the outcome of a management inquiry.

7. PROCEDURES

A. REPORTING HARASSMENT

- (1) Any employee who has been subjected to unwelcome hostile or

abusive conduct is encouraged to inform the person(s) responsible for the conduct that it is unwelcome and offensive, and request that it cease. If the conduct continues, or if the employee is uncomfortable confronting the responsible person(s) about the conduct, s/he should report the matter to:

- (a) The supervisor of the employee engaging in the hostile or abusive conduct;
 - (b) The Associate Director;
 - (c) The Human Resources Officer;
 - (d) The EEO Director
- (2) Employees who know of hostile or abusive conduct directed at others are encouraged to report the matter to the supervisor of the offending employee, another supervisor or manager, or to the HRO, the EEO Director.
- (3) Initial contacts made to the telephone line or an e-mail address will be confidential. Employees may obtain information about this policy the HRO, or report hostile or abusive conduct to the HRO.

NOTE: Reports made pursuant to this policy do NOT replace, substitute, or otherwise satisfy the separate obligations of an EEO complaint, negotiated grievance, Merit Systems Protection Board appeal, or other statutory process. Unlike this policy, those procedures typically provide for remedial relief to the victims of a violation. For further information concerning how an employee may pursue rights under one of these separate processes, see Section 8 of this policy.

- (4) On those occasions when management officials are not aware of an allegation of prohibited harassment until approached by the EEO Director, the management official must immediately inform the appropriate Associate Director, who should initiate these procedures.
- (5) To the extent possible, SSS will protect the confidentiality of employees who report harassment; however, the agency cannot guarantee complete confidentiality because it cannot conduct an effective inquiry without revealing certain information to the alleged harasser and potential witnesses. SSS is committed to ensuring allegations of harassment are shared only with those who have a need to know.
- (6) Employees who make reports of prohibited harassment or provide

information related to such reports will be protected from retaliation for raising the issue.

B. CONDUCTING FACT-FINDING INQUIRIES INTO ALLEGATIONS OF HARASSMENT

- (1) The fact-finding inquiry will be completed expeditiously and impartially. Within one (1) business day of receiving the harassment allegation, the supervisor or manager should initiate an inquiry into the matter. If the matter involves an Associate Director, then the supervisor or manager should raise the matter to the HRO, General Counsel, or the EEO Director, who will inform the Deputy Director. The Director, in consultation with these three offices, will determine the most appropriate official to conduct the inquiry.
- (2) When an allegation is received by the EEO Director or HRO, s/he will acknowledge receipt of the allegation in writing, and will notify the manager of the office implicated in the allegation. If the office manager is implicated in the allegation, the second line supervisor will be notified to conduct the inquiry and take any other necessary and appropriate action, as outlined in this section.
- (3) A supervisor or manager who receives a report of, or otherwise becomes aware of hostile or abusive conduct involving subordinates within her/his chain-of-command must determine:
 - (a) What conduct is at issue, and whether it could be considered hostile or abusive;
 - (b) Parties involved;
 - (c) Whether any immediate corrective action is required to insulate the alleged victim from further hostile or abusive conduct; and
 - (d) What action is necessary and appropriate to otherwise address the report.
- (4) The inquiry should result in a record sufficient to support corrective and/or disciplinary action taken or indicate that there is not sufficient evidence to support corrective and/or disciplinary action.
- (5) When the allegations concern the employee's direct or first-line supervisor or a coworker in the section, consideration should be given to taking immediate measures before completing the inquiry to ensure the opportunity for additional actual or perceived harassment does not occur. Examples of such measures are:

- (a) Making schedule changes to avoid contact between the parties and using all available tools to separate the parties, including a temporary detail of the supervisor or coworker, expanded telework, placing the supervisor or coworker on non-disciplinary leave with pay pending the conclusion of the inquiry; or,
 - (b) Arranging for the employee to report to an alternative supervisor or manager while the inquiry is being conducted, if the employee agrees this should be done. Such an offer to the employee should be made only after consulting with the General Counsel.
- (6) Prior to conducting the inquiry/doing the investigation, the individual must consult with the General Counsel to ensure that the inquiry and resulting documentation are legally sufficient. The individual conducting the inquiry is to consult with the General Counsel for advice on how to complete the inquiry. Upon completion, the determinations of the inquiry will be communicated to the employee who was the subject of the alleged harassment.
- (7) When the supervisor/individual conducting the inquiry determines from the inquiry that no harassing conduct occurred and no disciplinary action will be required, s/he must first notify the General Counsel, HRO, and EEO Director and provide them a written summary of the inquiry before notifying the employee who was the subject of the alleged harassment. If an inquiry is closed in this manner, the written summary and any supporting documents will be provided to and maintained by the HRO. If it is determined that additional fact-finding is warranted, the General Counsel and/or the EEO Director will respond to indicate what additional information is necessary to complete the inquiry and/or to determine whether remedial action is warranted.
- (8) Appropriate corrective action, disciplinary or otherwise, up to and including removal, will be taken against any employee who violates this policy, and any supervisor or other management official who fails to perform her/his obligations, including any failure to report known violations of this policy and related procedures.

C. **TAKING CORRECTIVE ACTION.** If it is determined that unwelcomed hostile or abusive conduct occurred, corrective action will be taken.

- (1) To determine the appropriate corrective action, the Directorate, Division or Office implicated in the report will consult with the HRO. The action necessary will depend on the severity and/or pervasiveness of the offense, the response required in order to end such conduct, the offender's disciplinary/conduct history, and other

surrounding circumstances. A non-exclusive list of possible corrective actions follows:

- (a) If the conduct consisted of an occasional remark that is offensive, but not severe, corrective action may consist of no more than discussing the matter with the responsible individual(s), explaining why it was inappropriate, and instructing him/her or them that it should not continue.
 - (b) If more than one person has engaged in inappropriate, but not severe conduct, and if there is other evidence that employees are not sure about what conduct is appropriate and permissible, or if employees appear unaware of how to properly respond to such conduct, appropriate training should be provided.
 - (c) If the conduct is more severe or pervasive, including frequent offensive remarks, touching, or other egregious harassing behavior, the employee responsible for the hostile or abusive conduct should be separated from the victim, at least until the matter otherwise can be resolved (as described above).
 - (d) For the most serious incidents, corrective action may include any disciplinary action otherwise available for violations of conduct standards, such as suspension, demotion, or termination. The EEO Director must concur on determinations that an employee's conduct has violated any of the EEO statutes.
- (2) Appropriate corrective action, disciplinary or otherwise, up to and including removal will be taken against any supervisor or other management official who fails to perform her/his obligations as set forth in this policy, including any unreasonable failure to report known violations of this policy.

8. PROCEDURES SEPARATE FROM STATUTORY CLAIMS

A. FILING STATUTORY OR ADMINISTRATIVE COMPLAINTS

The purpose of this policy is to stop harassment that has occurred and deter its occurrence in the future. Once management is satisfied that its corrective action has stopped harassment and deterred its recurrence, no further action is necessary. Therefore, corrective action under this policy does not provide the remedies available in the EEO or other processes, such as compensatory damages. Filing a report under this policy does not satisfy the requirements for filing an EEO complaint or other procedure and obtaining remedies pursuant to them, nor does it delay the time limits for initiating those procedures. Thus, an employee who chooses to

pursue statutory or administrative remedies for unlawful harassment must select one of the available forums as follows:

- (1) For an EEO complaint pursuant to 29 C.F.R. § 1614 (available for all claims of harassment other than those based on sexual orientation), contact an EEO counselor in the Office of Equal Opportunity within 45 days from the most recent incident of alleged harassment (or personnel action if one is involved), as required in 29 C.F.R. § 1614.105(a)(1); or
- (2) For an appeal to the Merit Systems Protection Board pursuant to 5 C.F.R. § 1201.22, file a written appeal with the Board within 30 days of the effective date of an appealable adverse action as defined in 5 C.F.R. § 1201.3, or within 30 days of the date of receipt of the agency's decision, whichever is later.

B. REPORTING HOSTILE OR ABUSIVE CONDUCT RAISED IN THE STATUTORY OR ADMINISTRATIVE PROCESS

This policy is designed to address hostile or abusive conduct before it rises to the level of illegal discrimination for which an employee can exercise the statutory right to file an EEO complaint, grievance, or MSPB appeal. Its purpose is to ensure that management is notified of and has the opportunity to correct any hostile or abusive conduct, and applies whether or not the employee has filed an EEO complaint or MSPB appeal. SSS' liability for an EEO complaint, grievance, or other action may depend upon whether it was aware of and promptly corrected the hostile or abusive conduct.

- (1) If an employee pursues a claim of harassment through the EEO process or an MSPB appeal, the SSS official who receives notice of such claim shall promptly notify the appropriate responsible management official. The management official must treat the notice as a report under Section 8 of these procedures, unless inconsistent with applicable regulatory or statutory requirements.
- (2) The HRO shall provide the record of actions taken under this policy to the Office handling a parallel statutory claim.

9. FURTHER INFORMATION

Any SSS employee or employee representative seeking further information concerning this policy may contact the EEO Director, HRO, or General Counsel.

**PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 713**

EQUAL EMPLOYMENT OPPORTUNITY

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PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 713

EQUAL EMPLOYMENT OPPORTUNITY

1. **GENERAL PROVISIONS**

a. **PURPOSE**

This Chapter contains basic policies and procedures to be followed throughout the Selective Service System (SSS) in equal employment opportunity and affirmative action. The policy provides for equal opportunity in employment, training, and promotion without regard to race, color, religion, sex, national origin, mental/physical handicap, or age. This Chapter also sets forth the procedures followed by the SSS in processing complaints alleging discrimination on the grounds listed above.

b. **POLICY**

- (1) It is the policy of the SSS to provide equal employment opportunity (EEO) in hiring, work assignments, training, and promotion to all SSS employees and applicants for employment; to assure the provision of the above through the development and implementation of an annual Affirmative Action Plan; and, to provide fair and prompt processing of complaints of discrimination, in accordance with EEO law and regulations.
- (2) Additionally, it is the policy of SSS to address complaints based on alleged discrimination as problems to be solved at the lowest possible level, using informal methods, and not as adversarial proceedings.

c. **AUTHORITY**

This Chapter implements the legal and regulatory requirements in section 717 of Title VII of the Civil Rights Act of 1964, as amended; 29 C.F.R., Part 1614; 42 U.S.C. § 2000e-16; sections 501 and 505 of the Rehabilitation Act of 1973, as amended; 29 U.S.C. §§ 791 and 794a; section 15 of the Age Discrimination in Employment Act of 1967, as amended; 29 U.S.C. § 633a; section 6(d) of the Fair Labor Standards Act of 1938, as amended (the Equal Pay Act); 29 U.S.C. § 206(d); Reorganization Plan No. 1 of 1978; 3 C.F.R. § 321 (1978);

Executive Orders 11478; 3 C.F.R. § 803 (1966-1970 Compilation) reprinted in 42 U.S.C. § 2000e note, issued in 1969 and 12106; and 44 Fed. Reg. 1053 (1979).

d. **COVERAGE**

This Chapter applies to all civilian compensated employees of the SSS, and to applicants for employment in compensated civilian positions. This program does not cover third party complaints filed by someone other than an affected employee or applicant.

2. **PROGRAM STRUCTURE**

a. **PROGRAM OBJECTIVES**

While judgments must enter into personnel decisions, discrimination based on race, color, religion, sex, national origin, mental/physical handicap, and age has no place in the process. It is not enough simply to prohibit consideration of these factors in making decisions. Management efforts and attitudes must be expressed continuously to reverse and correct practices which may have led to under-representation of some protected groups in various organizations, occupations, and levels of the Federal work force. Efforts shall be made to address the following:

- (1) Eradicate prejudice and discrimination in employment practices and working conditions;
- (2) Provide equal opportunities for employees to increase their skills through diverse assignments, on-the-job training, upward mobility programs where possible, and other training measures so that they may perform at their highest potential and advance according to their abilities;
- (3) Expand recruitment contacts to ensure that minorities, women, and/or other protected groups are aware of Federal employment systems and opportunities within the SSS. All recruitment efforts will indicate that the SSS is an equal employment opportunity employer; and,
- (4) Ensure that managers, supervisors, EEO staff, and personnel staff share responsibility for successful implementation of the affirmative employment program. Performance plans for managers and supervisors will include an objective based on meeting equal employment opportunity objectives.

b. DESIGNATION AND RESPONSIBILITIES OF PROGRAM OFFICIALS

- (1) The Director of Equal Employment Opportunity (DEEO) shall:
 - (a) Manage the overall EEO program as established by Federal law, executive orders, and regulations promulgated by the Equal Employment Opportunity Commission (EEOC);
 - (b) Make program changes, as authorized by the Director of Selective Service, to eliminate discriminatory practices and to improve the program;
 - (c) Evaluate the total Agency program;
 - (d) Provide for precomplaint processing and counseling; receipt, acceptance, dismissal, and investigation of complaints; and all other aspects of complaint processing;
 - (e) Assure that individual complaints are fairly and thoroughly investigated and that final decisions are issued in a timely manner in accordance with this Chapter; and
 - (f) Provide guidance and supervision to EEO personnel.
- (2) The EEO Officer (EEOO) shall:
 - (a) Review, monitor, and evaluate the Agency EEO program;
 - (b) Arrange for investigation of all EEO complaints system-wide;
 - (c) Arrange seminars and other observances to enhance the EEO program;
 - (d) Provide day-to-day operational guidance on EEO matters as appropriate;
 - (e) Arrange counseling for an aggrieved applicant or employee who believes he/she may have been a victim of discrimination;
 - (f) Recommend to the DEEO any corrective action related to complaints, whether or not a finding of discrimination is made; and,

- (g) Publicize EEO regulations and implementing guidelines.
- (3) The Federal Women's Program Coordinator (FWPC) shall:
 - (a) Advise the DEEO on matters affecting the employment and advancement of women in the SSS;
 - (b) Plan Federal Women's Program (FWP) activities; and,
 - (c) Receive and transmit to the EEOO any employee or applicant discrimination complaints.

Note: When the EEOO and FWPC positions are filled on a collateral basis, duties may be modified.

- (4) Equal Employment Opportunity Counselors (EEO Counselor) shall:
 - (a) Counsel aggrieved persons who believe they have been victims of discrimination;
 - (b) Advise the aggrieved person about the EEO complaint process under this Chapter and 29 C.F.R. Part 1614 and possible choices that may be required;
 - (c) Determine the issue(s) and basis(es) of the potential complaint;
 - (d) Conduct a limited inquiry for the purposes of furnishing information for resolution efforts and determining jurisdictional questions if a formal complaint is filed;
 - (e) Seek a resolution of the matter at the lowest possible level;
 - (f) Document the resolution or advise the complainant of his/her right to file a formal discrimination complaint if resolution does not occur;
 - (g) Prepare a report sufficient to determine that required counseling actions have been taken and resolve any jurisdictional questions that may arise, and submit other reports required by the EEOO;

- (h) Maintain objective, nonadvocate roles and suggest possible resolution to individuals and management; and,
 - (i) Discourage the assumption of adversarial roles by individuals or management officials and encourage an objective approach toward resolving the matter.
- (5) EEO Investigators shall:
- (a) Be unbiased and objective;
 - (b) Advise the EEOO of exact date on which investigation begins;
 - (c) Investigate thoroughly the merit or circumstances of the aggrieved situation, identifying the issues in the complaint through examination of records and interviews with appropriate staff officials, supervisors, and employees;
 - (d) Report any delays in completing an investigation; and,
 - (e) Complete assigned investigations and submit the investigative file report promptly.

The DEEO, EEOO, FWP, and EEO Counselors will be designated by the Director through memorandum, Headquarters Order or both. Investigators will be designated on an individual complaint basis, with notification to parties involved in the complaint. Investigators may be contracted personnel.

3. EQUAL EMPLOYMENT OPPORTUNITY COUNSELING

a. REQUIREMENT FOR COUNSELING

Equal Employment Opportunity counseling, or pre-complaint processing, is conducted pursuant to 29 C.F.R. section 1614.105, which provides that aggrieved persons who believe they have been discriminated against on the bases of race, color, religion, sex, national origin, age, or handicap, or in retaliation for having participated in activity protected under various civil rights statutes, must consult an EEO counselor prior to filing a complaint, in order to try to informally resolve the matter. Counseling is a required first step in the EEO complaint process. EEO counseling is essential to processing and resolving employee and applicant EEO

concerns. The opportunity for informal resolution at an early stage is an important feature of counseling. If resolution is not achieved, the counselor plays a vital role in ensuring prompt and efficient processing of the formal complaint. Specific duties of the counselor are listed in Section 2.b.(4). Basic counseling requirements are summarized here; however, counselors are encouraged to seek additional guidance, as necessary, from the EEOO.

b. TIME LIMITS

Note: Counseling and Complaint processing time limits are discussed at each step of the procedure and are summarized in Appendix A.

A person who believes he/she has been discriminated against is required to contact an EEO counselor within **45 days** of the date the alleged discriminatory event occurred, or the effective date of the alleged discriminatory personnel action. The Agency shall extend the 45-day limit to permit timely contact when:

- (1) The aggrieved person shows that he/she was not notified of the time limits and was not otherwise aware of them; or
- (2) He/she did not know and reasonably should not have known that the matter or personnel action occurred; or
- (3) Despite due diligence, he/she was prevented by circumstances beyond his/her control from contacting a counselor within the time limits; or
- (4) Other reasons considered sufficient by the Agency or EEOC as are found to exist.

c. REQUIRED WRITTEN NOTICE

At the initial counseling session or as soon as possible thereafter, the counselor must provide the aggrieved person written notice of the following:

- (1) The right to have the counselor refrain from revealing the identity of the aggrieved person except when authorized by the aggrieved person.
- (2) The right to representation throughout the complaint process including the counseling stage.
- (3) The time frames in the complaint process. (See Appendix A)

- (4) Only the same or like and related matters raised at the counseling stage may be the subject of a formal complaint.
- (5) The right to receive in writing, within **30 calendar days** of the first counseling contact (unless the complainant agrees in writing to an extension), a notice terminating counseling and informing the aggrieved of:
 - (a) The right to file a formal individual or class complaint within **15 calendar days** of receipt of the notice;
 - (b) The appropriate official with whom to file a formal complaint; and
 - (c) The complainant's duty to immediately inform the Agency if the complainant retains counsel or a representative. Any extension of the counseling period may not exceed an additional **60 calendar days**. Where notice is not provided and no extension is secured, the complainant has the right to file a formal complaint after the **30th day**. Exception: Where the complainant agrees to participate in an established alternative dispute resolution program, the written notice terminating the counseling period will be issued upon completion of the dispute resolution process or within **90 calendar days** of the first contact, whichever is earlier.
- (6) The requirement that the aggrieved person file a complaint within **15 calendar days** of receipt of the counselor's notice of right to file a formal complaint in the event he/she wishes to file a formal complaint at the conclusion of counseling.
- (7) The right to request a hearing before an EEOC administrative judge (AJ) in a non-mixed case after **180 calendar days** from the filing of a formal complaint or after completion of the investigation, whichever comes first. (See paragraph 4.e(2), this chapter, for definition of mixed case.)
- (8) The right to go to U.S. district court **180 calendar days** after filing a formal complaint or **180 days** after filing an appeal.

- (9) The possible election requirement between a negotiated grievance procedure and the EEO complaint procedure. See paragraph 5.b of this Chapter.
- (10) The election requirement in the event that the matter at issue is appealable to the Merit Systems Protection Board (MSPB), i.e., the matter is a mixed case. (See paragraph 5.a of this Chapter.)
- (11) The right to go directly to U.S. district court on claims of sex based wage discrimination under the Equal Pay Act even though such claims are also cognizable under Title VII. (See paragraph 5.d of this Chapter.)
- (12) The right to file a notice of intent to sue when age is alleged as a basis for discrimination and of the right to file a lawsuit under the ADEA instead of an administrative complaint of age discrimination. (See paragraph 5.c of this Chapter.)
- (13) The duty to mitigate damages, e.g., that interim earnings or amounts which could be earned by the individual with reasonable diligence generally must be deducted from an award of back pay.
- (14) The class complaint procedures and the responsibilities of a class agent, if the aggrieved person informs the EEO counselor that he/she wishes to file a class complaint.
- (15) The duty to keep the Agency and EEOC informed of a current mailing address and to serve copies of appeal papers on the Agency.

Appendix B, "Counselor's Written Notice," provides an outline of this information. This is the minimum information that must be provided to an aggrieved person. Information may be added if appropriate.

d. OTHER EEO COMPLAINT INFORMATION

In addition to providing a written notice as outlined above, the counselor should explain the requirements for initiating a formal complaint and encourage the complainant to review thoroughly and understand this Chapter and regulations applicable to his/her potential complaint. If the complainant raises class issues, the counselor should contact the EEO Officer for assistance.

e. **INFORMATION ON SPECIAL PROCEDURES**

Depending upon the facts and circumstances of the particular case, an aggrieved person may have options other than the Part 1614 procedures available in pursuit of a discrimination claim. The individual, in some cases, may have to elect the process he/she wishes to pursue. These so-called "special procedures" apply in matters where a negotiated grievance procedure could apply, mixed case complaints, age discrimination complaints, and Equal Pay Act complaints.

- (1) **Negotiated Grievance Procedure.** At the initial counseling session, the counselor must determine if the aggrieved person is covered by a collective bargaining agreement which permits allegations of discrimination to be raised in the negotiated grievance procedure. If the aggrieved person is covered, he/she must be informed of the requirement to choose either the negotiated grievance procedure or this Chapter to address alleged issues of discrimination. (See paragraph 5.b of this Chapter.)

Appendix C is a Notice of Possible Applicability of a Negotiated Grievance Procedure, to be given to the aggrieved person as soon as the counselor determines this rule may apply.

- (2) **Mixed cases.** An aggrieved person may present an allegation that constitutes a mixed case. A mixed case is one which alleges discrimination in connection with a matter which is also appealable to the MSPB. Two criteria determine whether a case is a mixed case:
 - (a) The employee has a right to appeal to the MSPB and
 - (b) The matter on which the alleged discrimination is based is appealable to the MSPB. See paragraph 5.a for a complete discussion of mixed cases.
- (3) **Choice of forum.** If both criteria for a mixed case are met, the EEO counselor must notify an aggrieved person that he/she must choose the forum in which he/she wishes to proceed. Where a negotiated grievance can also be filed, the counselor must explain that the aggrieved person must choose to proceed in one of three forums: the MSPB appeal process, the internal EEO process, or the

negotiated grievance process. An election to proceed under this Chapter is indicated only by the filing of a formal complaint, in writing. Use of the counseling process does not constitute an election to proceed under this Chapter. Whichever forum an employee elects first is considered an election to proceed under that forum.

Appendix D is a Notice of Potential Mixed Case Complaint. This notice is to be given to an aggrieved person as soon as the counselor determines that it may apply.

- (4) Age discrimination complaints. When a person contacts an EEO counselor with a complaint of age discrimination, the EEO counselor must make the person aware of two options:

- (a) The person may choose to file a formal complaint under 29 C.F.R. Part 1614; or
- (b) The person may bypass the administrative complaint process in Part 1614 and file a civil action directly in an appropriate U.S. district court. See paragraph 5.c for procedures for these complaints.

Appendix E is a Notice on Age Discrimination. This notice is to be given to an aggrieved person as soon as the counselor determines that it may apply.

- (5) Equal Pay Act complaints. When a person contacts an EEO counselor with claims of sex based wage discrimination, he/she should be advised of special procedures relating to processing these allegations. See paragraph 5.d for procedures for these complaints.

Appendix F is a Notice on Equal Pay Act Complaints. This notice is to be given to an aggrieved person as soon as the counselor determines that it may apply.

f. COUNSELING PROCEDURES

- (1) Issues. At the initial interview, the counselor must determine what action(s) the Agency has taken or is taking that cause(s) the aggrieved person to believe he/she is the victim of discrimination. This first step is essential to proceeding with the inquiry and resolution attempt and, if resolution

is not achieved, essential to a focused investigation and hearing. Before the counselor begins the inquiry, he/she must be certain that the issue(s) is clearly defined and the aggrieved person agrees on issues which the inquiry will address and on which attempts at resolution are based. The counselor must also determine whether special procedures apply.

- (2) Basis(es). In order to have a complaint accepted for investigation, the aggrieved person must believe he/she has been discriminated against on the basis of race, color, sex, religion, national origin, age (over 40), or handicap or in retaliation for having participated in activity protected by the various civil rights statutes. It is important to determine if the aggrieved person believes that his/her problem is the result of discrimination on one or more of the bases.

If it is clear that the aggrieved person's problem does not involve a basis(es) covered by the regulations, the counselor should inform the aggrieved person and, if possible refer him/her to an appropriate source to attempt resolution of the issue(s). If the aggrieved person insists that he/she wants to file a discrimination complaint, the counselor should issue the appropriate notice advising that counseling did not result in resolution and of his/her right to file a formal complaint. Under no circumstance should the counselor attempt to dissuade a person from filing a complaint.

- (3) Inquiry. After the counselor has determined the basis(es) and issue(s), he/she should conduct a limited inquiry. The purpose of the inquiry is to obtain information for resolution efforts and determine jurisdictional questions if a formal complaint is filed.

While the scope of the inquiry will vary based on the complexity of the issues, the inquiry is limited and not intended to substitute for the fact finding required in the formal stage. The counselor must at all times control the inquiry. If the aggrieved person or Agency personnel raise objections to the scope or nature of the inquiry, the counselor shall seek guidance and assistance from the EEO Officer. If the counselor has problems with the inquiry, he/she should immediately notify the EEO Officer.

- (4) Resolution. In almost all instances, informal resolution, freely arrived at by all parties involved in the dispute, is the best outcome of a counseling action. In seeking resolution, the counselor must listen to and understand the viewpoint of both parties so that he/she is able to assist the parties in achieving resolution. The counselor's role is to facilitate resolution, not develop or advocate specific terms of an agreement. The counselor must be careful not to inject his/her views on resolution negotiations.
- (5) Successful resolution. If during the course of the EEO counselor's inquiry, the Agency and the aggrieved person agree to an informal resolution of the matter, the terms of the resolution should be reduced to writing and signed by both parties to help ensure that the Agency and the aggrieved person have the same understanding of the terms of the resolution. It is recommended that the terms of the informal resolution be set out in a letter and transmitted to the parties by the EEO counselor with the knowledge and guidance of the EEO Officer or DEEO. The letter should state clearly the terms of the informal resolution and should notify the aggrieved person of the procedures available under 29 C.F.R. 1614.504 in the event that the Agency fails to comply with the terms of the resolution. Appendix G is a format to be used for the resolution agreement.

The EEO counselor shall transmit a signed and dated copy to the EEO Officer. The EEO Officer shall retain the copy for one year or until he/she is certain that the agreement has been implemented.

- (6) Unsuccessful resolution and time extension. If informal resolution is not possible, the counselor must hold a final interview (see (7) of this section) with the aggrieved person within **30 calendar days** of the date the aggrieved person brought the matter to the counselor's attention. If it appears that informal resolution is possible, given more time, the aggrieved person may agree in writing with the Agency to postpone the final interview and extend counseling for an additional period of time (not to exceed **60 calendar days**). If the matter is not resolved at the end of the extended time period, the counselor must advise the aggrieved person in writing of his/her right to file a complaint.

In order to facilitate resolution attempts, all parties involved in resolution must be free to explore all avenues of relief. Offers and statements made by parties must not be used against either party if resolution attempts fail.

- (7) Final interview. During the final interview with the aggrieved person, the counselor should discuss what occurred during the EEO counseling process in terms of attempts at resolution. The counselor must not indicate whether he/she believes the potential discrimination complaint has merit. Since EEO counseling inquiries are conducted informally and do not involve sworn testimony or extensive documentation, the counselor cannot make findings on the issue(s) of discrimination, and should not imply to the aggrieved person that his/her interpretation of the issue(s) of the case constitutes an official finding of the Agency on the issue of discrimination.
- (8) Advice on formal complaint. If the matter has not been resolved to the satisfaction of the aggrieved person, the counselor must tell the aggrieved person that he/she has the right to pursue the matter further through the formal complaint procedure. It is the aggrieved person, not the EEO counselor, who must decide whether to file a formal complaint of discrimination.

The counselor must inform the aggrieved person that the complaint:

- (a) Must be in writing;
- (b) Must be specific with regard to the matter or matters on which the aggrieved person received EEO counseling; the aggrieved person cannot expand the complaint to include additional issues or allegations on which he/she did not receive counseling;
- (c) Must be signed by complainant or complainant's attorney or other representative;
- (d) Must be filed within **15 calendar days** from the date he/she receives the notice of the right to file. A postmark dated within the requisite **15 calendar days** will be evidence of timely filing;

- (e) Must be sent to a person authorized to receive complaints; and
- (f) May be mailed or personally delivered to one of the authorized persons.

The counselor will provide written notice to the aggrieved person of his/her right to file a complaint, using the sample at Appendix H.

The counselor should explain that once the complaint reaches the formal stage, the complaint file, or part of it, may be shared with those who are involved with and need access to it. This includes the Agency EEO officials, and possibly persons whom the aggrieved person has identified as being responsible for the actions which gave rise to the complaint. The identity of the aggrieved person does not remain confidential in the formal complaint process.

(9) Counselor's report.

- (a) The counselor must submit, to the office designated to accept formal complaints and to the complainant, the report of counseling. This must be done within **15 calendar days** after notification by the EEO Officer or other appropriate officials that a formal complaint has been filed. It is essential that the counselor maintain his/her record of counseling so that this regulatory time limit is met. The report should be prepared using the sample at Appendix I.
- (b) The counselor will not report any discussions that occur during negotiations for resolution. All notes, drafts and other records of counseling efforts will be maintained by the EEO counselor after counseling is completed. The counselor should also retain a copy of his/her counselor's report.
- (c) Counselors will prepare annual reports summarizing activities using sample at Appendix J.

(10) Counseling class action complaints. Occasionally, an EEO counselor may need to provide EEO counseling to a class of people. If matters concerning class allegations are raised or an individual approaches an EEO counselor as a class agent for counseling,

the EEO counselor should immediately contact the EEO Officer, or DEEO, for advice and guidance on the proper course of action to follow.

4. **FORMAL COMPLAINTS**

a. **REQUIREMENTS.** A formal EEO complaint:

- (1) Must be in writing;
- (2) Must be specific with regard to the matter or matters on which the aggrieved person received EEO counseling; the aggrieved person cannot expand the complaint to include additional issues or allegations on which he/she did not receive counseling;
- (3) Must be signed by complainant or complainant's attorney or other representative; and
- (4) Must be filed within **15 calendar days** from the date the complainant received the notice of the right to file. A postmark dated within the requisite **15 calendar days** will be evidence of timely filing.

b. **PERSONS AUTHORIZED TO RECEIVE COMPLAINTS.** The complaint should be mailed or delivered to one of the following officials authorized to receive complaints:

- (1) Director of Selective Service;
- (2) Director of EEO;
- (3) EEO Officer;
- (4) Federal Women's Program Coordinator(s);
- (5) Region Directors for employees in their Region Headquarters; and
- (6) Operations Manager, Data Management Center (DMC) for DMC employees.

c. **FILING DATE.** The complaint is deemed filed on the date it is delivered or postmarked to any of the above officials. These officials may extend the time limit for acceptance of a complaint if the complainant shows that he/she was not aware or notified of the time limit or that he/she was prevented by circumstances beyond his/her control from submitting the matter within the time limit.

- d. **NOTIFICATION OF RECEIPT.** Upon receipt of a formal complaint of discrimination, the Agency will immediately notify the complainant that the complaint has been received and the date on which it was filed.
- e. **REVIEW.** The Agency will review the complaint and **within 15 calendar days**, determine whether it or any portion of it, is eligible for further processing. The Agency will then issue either an acknowledgement or dismissal.
- f. **ACKNOWLEDGEMENT OF COMPLAINT.**
 - (1) The acknowledgement will inform the complainant of:
 - (a) The date on which the complaint was filed;
 - (b) The issue(s) alleged in the complaint;
 - (c) The Agency's obligations to process and investigate the complaint in a timely manner;
 - (d) The time periods required for each stage of processing; and
 - (e) The complainant's rights.
 - (2) The acknowledgement is not appealable.
 - (3) New issues not addressed during counseling will be returned to the EEO Counselor for counseling. The complainant may be asked to provide more information on vague or nonspecific issues.
- g. **DISMISSAL OF COMPLAINT**
 - (1) A complaint or portion of complaint will be dismissed if:
 - (a) The contact with an EEO counselor was not timely and the aggrieved person did not show why the time requirement should be extended or other circumstances justifying untimely contact. (See section 3.b)
 - (b) The aggrieved failed to file a formal complaint within **15 calendar days** of the counselor's notice of right to file a formal complaint.

- (c) The complaint raises a matter that has not been brought to the attention of a counselor and is not like or related to a matter that was brought to the attention of a counselor.
 - (d) The aggrieved person failed to state a claim under EEO statutes or named an improper Agency. EEO statutes cover allegations of discrimination based on race, color, religion, sex, age, handicap or national origin and complaints alleging retaliation prohibited by these statutes.
 - (e) The complaint states the same claim that is pending before or has been decided by the Agency or EEOC or the same matter has been decided by a United States district court or court of appeals and the complainant was a party to the lawsuit.
 - (f) The complainant has raised the matter in a negotiated grievance procedure that permits allegations of discrimination or has elected to appeal the matter to the MSPB, rather than file a mixed case complaint under this Chapter.
 - (g) The complaint is moot or alleges that a proposal to take or a preliminary step in taking a personnel action is discriminatory.
- (2) During complaint processing, other reasons for dismissal may be:
- (a) The complainant files a civil action concerning the same matter, at least **180 calendar days** after he/she filed his/her administrative complaint.
 - (b) The complainant cannot be located despite reasonable efforts and the complainant has not responded within **15 calendar days** to a notice of proposed dismissal sent to his/her last known address.
 - (c) The complainant has failed to respond to a written "request to provide relevant information or to otherwise proceed" within **15 calendar days** of receipt provided the request contained notice of the proposed dismissal and provided there is otherwise insufficient

available information to adjudicate the matter.

- (d) The complainant refuses, within 30 calendar days of receipt of an Agency offer of settlement, to accept the offer providing it is an offer of full relief and the offer gave notice that failure to accept within 30 calendar days would result in dismissal of the complaint.

- (3) The Agency dismissal notice will include the reason(s) for dismissal and will cite the relevant section and subsection of EEOC regulations on which the dismissal is based. The notice will also include the employee's appeal rights.

- h. **CONSOLIDATION AND JOINT PROCESSING OF COMPLAINTS.** Discrimination complaints filed by two or more complainants relating to the same or similar issue(s) may be consolidated for processing by the Agency, but only with the written consent of the affected complainants. When such complaints are consolidated for processing, each complainant will receive a separate report of investigation although only one investigation may have been conducted. Similarly, each complainant is entitled to receive a separate notice of disposition on his/her complaint(s). When such complaints are consolidated for processing, only one hearing will be conducted on the consolidated complaints, but the Agency must issue a final Agency decision addressing the allegations of each complainant. When such complaints have been consolidated, a complainant may withdraw his/her complaint at any time; however, such withdrawal will not affect the processing of the remaining complaints which have been consolidated for processing.

Two or more individual discrimination complaints filed by the same complainant may, at the discretion of the Agency, be joined for processing after notifying the individual that the complaints will be processed jointly. Consent of the complainant is not required for the joinder of such individual complaints for processing. When such individual complaints have been joined for processing, there will be one investigation, one meeting for the purpose of attempting an informal adjustment, one notice of proposed disposition, one hearing, and one final Agency decision on the joined complaints.

- i. **REPRESENTATION.** The complainant may be accompanied, represented, and advised by a representative of his/her own choosing during any stage of the complaint process.

This representative must be designated to the EEO Officer, in writing, by the complainant. In cases where the representation of a complainant or Agency would conflict with the official or collateral duties of the representative, the EEOC or the Agency may, after giving the representative an opportunity to respond, disqualify the representative. Unless the complainant states otherwise in writing, after the Agency has received written notice of the name, address and telephone number of a representative for the complainant, all official correspondence shall be sent to the representative with copies to the complainant. When the complainant designates an attorney as representative, service of documents and decisions on the complainant shall be made on the attorney and not on the complainant, and time frames for receipt of materials by the complainant shall be computed from the time of receipt by the attorney. The complainant must serve all official correspondence on the designated representative of the Agency. The complainant shall at all times be responsible for proceeding with the complaint whether or not he/she has designated a representative.

- j. **OFFICIAL TIME.** The complainant, if an employee, and his/her representative, if an employee, must be given a reasonable amount of official time to prepare and present the complaint. While scheduling official time is prerogative of managers and supervisors to be granted in accordance with office workload, guidelines found in Appendix K should be used.
- k. **INVESTIGATION.** A complaint must be investigated within **180 calendar days** of filing a complaint or within the time period contained in an order from the EEOC to investigate a complaint following an appeal from a dismissal, unless the EEO Officer and the complainant agree in writing to an extension of not more than an additional **90 calendar days**. Also within this 180-day period, copies of the investigative file must be given to the complainant with notice of his/her right to request a hearing or final decision, and a final decision must be issued (see paragraph l. below).
- l. **FINAL DECISION.**
 - (1) The Agency will issue a final decision within **60 calendar days** of receiving notice that a complainant has requested an immediate decision from the Agency; within **60 calendar days** of the end of the 30-day period for requesting a hearing, (see paragraph k. above), if the Agency has not received a timely request; or within **60 calendar days** of

receiving the findings and conclusions of an administrative judge.

(2) The final decision will include:

- (a) Findings on the merits of each issue in the complaint;
- (b) Appropriate remedies and relief when discrimination is found;
- (c) Notice of right to appeal to the EEOC using EEOC Form 573, "Notice of Appeal/Petition"; or if a mixed case, notice of right to appeal to the MSPB;
- (d) Notice of right to file a civil action in U. S. district court and the name of the proper defendant in any such lawsuit; and,
- (e) The applicable time limits for appeals and lawsuits.

m. **HEARING.** When a complainant requests a hearing, the Agency will request that the EEOC appoint an administrative judge (AJ) to conduct a hearing in accordance with 29 C.F.R. 1614.109. Unless the time is extended, the AJ will hold the hearing and issue findings of fact and conclusions of law within **180 calendar days** after the request for hearing. The Agency then issues the final decision as discussed in paragraph 1., above, above.

5. **PROCEDURES APPLICABLE TO PARTICULAR COMPLAINTS**

Special procedures apply to particular kinds of complaints. These include: "mixed case" complaints and appeals; complaints involving issues that are covered by a negotiated grievance procedure; age discrimination complaints; sex-based wage discrimination complaints; and, class action complaints.

a. **MIXED CASES.** A mixed case is one which alleges discrimination in connection with a matter which is also appealable to the MSPB. Two criteria determine whether a case is a mixed case: the employee's right to file an appeal and the matter on which the complaint is based can be appealed to the MSPB.

- (1) The following employees generally have a right to appeal to the MSPB:

- (a) Competitive service employees not serving a probationary period under an initial appointment;
 - (b) Career appointees to the Senior Executive Service;
 - (c) Non-competitive service preference eligible employees with one or more years of current continuous service (e.g., postal employees and attorneys with veterans preference); and,
 - (d) Non-preference eligible excepted service employees with two or more years of current continuous service.
- (2) Most MSPB appealable matters fall into the following six categories:
- (a) Reduction in grade or removal for unacceptable performance;
 - (b) Removal, reduction in grade or pay, suspension for more than 14 days, or furlough for 30 days or less for such cause as will promote the efficiency of the service;
 - (c) Separation, reduction in grade, or furlough for more than 30 days, when the action was effected because of a reduction-in-force;
 - (d) Reduction-in-force action affecting a career SES appointee;
 - (e) Reconsideration decision sustaining a negative determination of competence for General Schedule employees; and,
 - (f) Disqualification of an employee or applicant because of a suitability determination.
- (3) An aggrieved person may choose to raise allegations of discrimination in a mixed case either as an appeal to the MSPB ("mixed case appeal") or as a discrimination complaint with the Agency under this Chapter ("mixed case complaint"), but not both. Whichever action the employee files first is considered an election to proceed in that forum.

An election to proceed under this Chapter is made when the aggrieved person files a formal complaint in writing. Use of the EEO counseling process is not an election to proceed under this Chapter.

- (4) If the employee chooses to file a mixed case complaint under this Chapter, it will be processed in accordance with paragraph 4, except that the employee is not entitled to a hearing before an EEOC administrative judge. An aggrieved person's appeal rights will be to the MSPB, not the EEOC. Following a final decision from MSPB, an aggrieved person may petition EEOC to consider that decision as it pertains to the allegations of discrimination.

b. **COMPLAINTS COVERED BY NEGOTIATED GRIEVANCE PROCEDURES.** If an aggrieved person is covered by a collective bargaining agreement which permits allegations of discrimination to be raised in the negotiated grievance procedure, he/she must choose one of the following:

- (1) To have his/her allegations of discrimination addressed in the negotiated grievance procedure of the collective bargaining agreement with a caution that the opportunity to raise allegations of discrimination will be lost if not raised in the grievance process; or
- (2) To have his/her allegations of discrimination addressed under this Chapter.

An election to proceed under this Chapter is indicated only by the filing of a formal complaint, in writing. Use of the counseling process does not constitute an election to proceed under this Chapter. An election is final. The complainant has a right to appeal the final decision on his/her grievance to the EEOC.

NOTE: Grievances filed by non-bargaining unit employees are processed under Chapter 771 of this Manual. When discrimination is alleged as part of a grievance filing, the discrimination allegation will be processed under this Chapter. When accepting grievances from employees, supervisors are to be on the alert to refer the matter to an EEO counselor if race, color, religion, sex, age, handicap, or national origin is involved.

c. **AGE DISCRIMINATION COMPLAINTS.** An aggrieved person who believes he/she is being discriminated against on the basis of age has two options:

- (1) The person may choose to file a formal complaint under this Chapter; or
- (2) The person may bypass the administrative complaint process in this Chapter and file a civil action directly in an appropriate U.S. district court after first giving the EEOC at least **30 calendar days** notice of intent to file such action. Such action must be filed within **180 calendar days** after the date of the alleged discrimination. The notice may be mailed or hand delivered to EEOC Headquarters. The EEO counselor or EEO Officer will provide the current address for the EEOC.

Since the statute of limitations in an age discrimination case is not consistently applied by the courts, an aggrieved person wishing to bypass the administrative process should initiate the civil action as soon as possible after the expiration of the **30-day** waiting period which follows the notice of intent to sue.

- d. **SEX-BASED WAGE DISCRIMINATION COMPLAINTS.** Sex-based claims of discrimination may be raised under both Title VII of the Civil Rights Act of 1964, as amended and the Equal Pay Act of 1963. A complaint of discrimination under the Equal Pay Act is processed under this Chapter, or the complainant may file a claim directly in U.S. district court, without providing notice to EEOC or exhausting administrative remedies. Claims under the Equal Pay Act must be made in court within **2 years** after their occurrence or within **3 years** for willful violations.
- e. **CLASS ACTION COMPLAINTS.** Class action complaints of discrimination will be processed in accordance with 29 C.F.R. 1614.204. These regulations are available from the DEEO or EEO Officer. If an aggrieved person raises class issues, he/she should be referred to the EEO Officer for further referral to a Counselor trained in class complaint procedures.

APPENDIX A

Counseling and Complaint Processing time Limits

(All Days are calendar days unless otherwise noted)

1. Aggrieved person contact counselor -- within 45 days of alleged event or action.
2. Counselor
 - a. Attempt informal resolution -- 30 days;
 - b. Notify aggrieved person of right to file complaint -- 30th day;
 - c. Extend counseling (with aggrieved person's consent) -- to not more than 60 days (total);
 - d. Extend counseling when aggrieved person agrees to participate in an established alternative dispute resolution program -- to not more than 90 days (total);
3. Aggrieved person may file formal complaint -- within 15 days after notification by counselor.
4. Agency completes investigation -- 180 days after complaint filed.
5. Complainant may request hearing from EEOC or final decision from Agency -- within 30 days after completion of investigation.
6. Agency issues final decision:
 - a. Within 60 days of complainant's request;
 - b. Within 60 days of end of 30-day notice period provided by Agency after completion of investigation;
 - c. Within 60 days of receipt of findings and conclusions from EEOC.
7. If investigation not completed within 180 days, complainant may request hearing from EEOC.
8. Complainant may appeal the Agency final decision on a complaint to EEOC within 30 days of receipt.

9. Complainant may file civil action in U.S. District Court:
 - a. Within ninety (90) days of receipt of an agency final decision if an appeal has not been filed;
 - b. After one hundred and eighty (180) days from the date of filing a complaint if an appeal has not been filed and a final decision has not been issued;
 - c. Within ninety (90) days of receipt of the EEOC final decision on appeal; or
 - d. After one hundred and eighty (180) days from the date of filing an appeal with the EEOC if there has been no final decision by the EEOC.
10. Mixed Case Complaints
 - a. Aggrieved person has 20 days from date of alleged discriminating act to file a mixed case appeal to Merit Systems Protection Board (MSPB).
 - b. If complaint filed under this Chapter, time limits in numbers 2 and 3 of this Appendix apply.
 - c. Agency completes investigation -- within 120 days after complaint is filed.
 - d. If no decision within 120 days, complainant may appeal to MSPB or file in court.
 - e. Complainant may appeal to MSPB Agency's decision on mixed case complaint -- within 20 days after receipt.
11. Age discrimination complaints
 - a. Aggrieved person may file in court -- within 180 days of alleged discriminatory action.
 - b. Before filing, must give EEOC 30 days notice.
12. Equal Pay Act complaints
 - a. Complainants may file directly in court with no notice to Agency or EEOC.
 - b. Filing must be within two years of alleged act or within three years of a willful violation.

APPENDIX B

Counselor's Written Notice

MEMORANDUM FOR (NAME OF AGGRIEVED PERSON)

FROM: (Name of Counselor)

SUBJECT: Written Notice Required During EEO Counseling

In accordance with 29 C.F.R. Part 1614, Equal Employment Opportunity Commission (EEOC) Management Directive 110, and Personnel Policies and Procedures Manual (PPPM) Chapter 713, the following written notice is provided to you as an aggrieved person who has contacted an EEO Counselor. For your information and use, I am attaching a copy of PPPM Chapter 713. (Attachment 1) and a summary of Anti-Discrimination Laws and Regulations (Attachment 2).

1. You have the right to have your identity protected during the counseling stage, unless you authorize me, in writing, to reveal your identity. Should you wish to provide me this authorization, please use the format in the attached memo. (Attachment 3)
2. You have the right to representation throughout the complaint process, including the counseling stage.
3. There are specific time frames provided in EEO complaint procedures. At each step of the process, when you are given written notice, you will be provided with time frames for possible next steps. However, you should review and understand the time frames now. They are discussed in PPPM Chapter 713. A summary of time frames is Appendix A to Chapter 713.
4. Should you decide to file a formal complaint, only the same or like and related matters raised at the counseling stage may be the subject of a formal complaint.
5. You have the right to receive in writing within 30 **calendar days** of the first counseling contact (unless you agree in writing to an extension) a notice terminating counseling and informing you of the following:
 - a. The right to file a formal individual or class complaint within 15 **calendar days** of receipt of the notice;

- b. The appropriate official with whom to file a formal complaint; and
 - c. Your duty to immediately inform the Agency if you retain counsel or a representative.
- 6. Any extension of the counseling period may not exceed an additional **60 calendar days**. Where notice is not provided and no extension is secured, you have the right to file a formal complaint after the **30th day**. Exception: If you agree to participate in an established alternative dispute resolution program, the written notice terminating the counseling period will be issued upon completion of the dispute resolution process or within **90 calendar days** of the first contact, whichever is earlier.
 - 7. You will have **15 calendar days** after receipt of the counselor's notice of right to file a formal complaint in the event you elect to file a formal complaint at the conclusion of counseling.
 - 8. You have the right to request a hearing before an EEOC administrative judge (AJ) in a non-mixed case after **180 calendar days** from the filing of a formal complaint or after completion of the investigation, whichever comes first.
 - 9. You have the right to go to U.S. district court **180 calendar days** after filing a formal complaint or **180 calendar days** after filing an appeal.
 - 10. It is your duty to keep the Agency and, if applicable, EEOC informed of a current mailing address and to serve copies of appeal papers on the Agency.

Counselor - Choose any of the following information which may be applicable; if in doubt, include it.

- A. Your complaint may require your election between a negotiated grievance procedure and the EEO complaint procedure. See section 5.b of Chapter 713. We will discuss this issue during counseling.
- B. Your complaint may involve your election of forums in the event that the matter at issue is appealable to the Merit Systems Protection Board (MSPB). You would be required to choose either an MSPB appeal or an EEO complaint. See section 5.a of Chapter 713. We will discuss this issue during counseling.

- C. You have the right to go directly to U.S. district court if you claim sex based wage discrimination under the Equal Pay Act even though such claims are also cognizable under Title VII and your complaint may be processed under EEO procedures. (See section 5.d of Chapter 713.)
- D. You have the right to file a notice of intent to sue when age is alleged as a basis for discrimination and the right to file a lawsuit under the ADEA instead of an administrative complaint of age discrimination. (See section 5.c of Chapter 713.)
- E. The Agency has a duty to mitigate damages. This means that interim earnings or amounts which could be earned by you with reasonable diligence generally must be deducted from an award of back pay.
- F. If you inform me that you wish to file a class complaint, I can provide you with applicable procedures.

I urge you to become thoroughly familiar with the Agency's policy on Equal Employment Opportunity and the rights and requirements of aggrieved persons and complainants in the EEO complaint process. These are found in PPPM Chapter 713.

We will be discussing all of the above requirements which are applicable to you.

Please contact me at any time you have questions regarding the complaint process or the information contained in this Chapter.

Attachments

Attachment 1 - PPPM Chapter 713

Attachment 2 - Summary of Anti-Discrimination Laws and Regulations

Attachment 3 - Memo re: Revealing Identity

**Appendix B
Attachment 2**

**Summary of Anti-Discrimination
Laws and Regulations**

1. Title VII of the Civil Rights Act of 1964. as amended

Title VII prohibits discrimination based on race, color, religion, sex, or national origin. It also prohibits reprisal or retaliation for participating in the discrimination complaint process or for opposing any unlawful employment practice under Title VII. (A person filing a complaint under Title VII is protected from an agency taking retaliatory actions because the employee alleged discrimination.)

2. Age Discrimination in Employment Act of 1967. as amended (ADEA)

The ADEA prohibits discrimination in employment on the basis of age (40 years or older). Unlike Title VII and the Rehabilitation Act, the ADEA allows persons claiming age discrimination to go directly to court without going through an agency's administrative complaint procedures. If, however, a complainant chooses to file an administrative complaint, (s)he must exhaust administrative remedies before proceeding to court. As with Title VII complaints, a complainant exhausts administrative remedies 180 days after filing a formal complaint or 180 days after filing an appeal with the Commission if the Commission has not issued a decision.

3. Rehabilitation Act of 1973. as amended.

The Rehabilitation Act prohibits discrimination on the basis of mental and physical handicaps. Under certain circumstances, it requires an agency to offer to reassign a handicapped employee to a vacant funded position as an obligation under the affirmative action requirement of the Act. It requires that agencies shall make reasonable accommodations to the known physical or mental limitations of a qualified handicapped applicant or employee unless the agency can demonstrate that the accommodations would impose an undue hardship on the operation of its program.

4. Fair Labor Standards Act of 1938. as amended (Equal Pay Act of 1963) (EPA)

The EPA prohibits sex-based wage discrimination. It prohibits Federal agencies from paying employees of one sex lower wages than those of the opposite sex for performing substantially equal work. Substantially equal work means that the jobs require equal skills, effort, and responsibility, and that the jobs are performed under similar working conditions. Sex-based claims of wage discrimination may also be raised under Title VII; individuals so aggrieved may thus claim violations of both statutes simultaneously. Equal Pay Act complaints are processed under Part 1614. In the alternative, an Equal Pay Act complainant may go directly to U.S. District Court on the EPA claim.

5. 29 C.F.R. Part 1614

The regulations governing the processing of Federal sector discrimination complaints are contained in Title 29 of the Code of Federal Regulations (C.F.R.), Part 1614.

The EEO Counselor or EEO Officer can provide copies of these laws and regulations upon request.

APPENDIX B

Attachment 3

MEMORANDUM FOR (NAME OF EEO COUNSELOR)

FROM: (Name of Aggrieved Person)

SUBJECT: Authorization to Reveal My Identity

In response to your memorandum, subject: "Written Notice Required During EEO Counseling," I understand that I will have my identity protected and not revealed during counseling, unless I authorize you to reveal it. I hereby authorize you to reveal my identity during the counseling stage of the EEO complaint process, to persons who are involved in resolution of the issue(s) on which the complaint is based.

APPENDIX C

Counselor - Give to aggrieved person as soon as you become aware that this regulation may apply.

NOTICE OF POSSIBLE APPLICABILITY OF
5 U.S.C. 7121(d) TO ALLEGED DISCRIMINATORY ACTION
29 C.F.R. PART 1614
PERSONNEL POLICIES AND PROCEDURES MANUAL (PPPM) CHAPTER 713

Section 1614.105 of the regulations of the U.S. Equal Employment Opportunity Commission requires that upon an aggrieved person's initial contact with the Equal Employment Opportunity (EEO) counselor, or as soon thereafter as possible, the counselor shall inform each aggrieved person of the possible applicability of 5 U.S.C. 7121(d) to the alleged discriminatory action which caused the aggrieved person to seek EEO pre-complaint counseling. Further, the EEO counselor must communicate to the aggrieved person the substance of 29 C.F.R. 1614.301 concerning the election of remedies.

Section 1614.301 "Relationship to Negotiated Grievance Procedure" provides as follows:

- (a) When a person is employed by an agency subject to 5 U.S.C. 7121(d) and is covered by a collective bargaining agreement that permits allegations of discrimination to be raised in a negotiated grievance procedure, a person wishing to file a complaint or a grievance on a matter of alleged employment discrimination must elect to raise the matter under either Part 1614 or the negotiated grievance procedure, but not both. An election to proceed under this part is indicated only by filing of a written complaint; use of the pre-complaint process as described in Section 1614.105 does not constitute an election for purposes of this section. An aggrieved employee who files a complaint under this part may not thereafter file a grievance on the same matter. An election to proceed under a negotiated grievance procedure is indicated by the filing of timely written grievance. An aggrieved employee who files a grievance with an agency whose negotiated agreement permits the acceptance of grievances which allege discrimination may not thereafter file a complaint on the same matter under Part 1614 regardless of whether the agency has informed the individual of the need to elect or of whether the grievance has raised an issue of discrimination. Any such complaint filed after a grievance has been filed on the same matter shall be dismissed without prejudice to the complainant's right to

proceed through the negotiated grievance procedure, including the right to appeal to the Commission a final decision as provided in Subpart D of this part. The notice of final action dismissing such a complaint shall advise the complainant of the obligation to raise discrimination in the grievance process and of the right to appeal the formal grievance decision to the Commission.

- (b) When a person is not covered by a collective bargaining agreement that permits allegations of discrimination to be raised in a negotiated grievance procedure, allegations of discrimination shall be processed as complaints under this part.
- (c) When a person is employed by an agency not subject to 5 U.S.C. 7121(d) and is covered by a negotiated grievance procedure, allegations of discrimination shall be processed as complaints under this part, except that the time limits for processing the complaint contained in section 1614.106 and for appeal to the Commission contained in section 1614.402 may be held in abeyance during processing of a grievance covering the same matter as the complaint if the agency notifies the complainant in writing that the complaint will be held in abeyance pursuant to this section.

Accordingly, if you are alleging discrimination on the grounds of race, color, religion, sex, national origin, age, and/or handicap, and if you wish to pursue the matter, you must make an election to pursue it either as a complaint with your agency under 29 C.F.R. Part 1614 or in a negotiated grievance procedure, if the following conditions apply:

- 1. You are an employee of a Federal agency subject to the provisions of 5 U.S.C. 7121(d), and
- 2. You are covered by a collective bargaining agreement which permits allegations of discrimination to be raised in a negotiated grievance procedure.

If these two conditions apply to you, then you must elect one or the other procedure, but not both. An election is made as follows:

- 1. By filing a grievance in writing (whether or not the grievance has raised an allegation of discrimination), or
- 2. By filing a written formal EEO complaint with your agency under part 1614. Use of the pre-complaint process (counseling) under section 1614.105 does not constitute an election.

If you have further questions concerning the possible applicability of 5 U.S.C. 7121(d) to you, it is suggested that you immediately contact a representative of the employee organization which has a negotiated agreement with your organization or ask the EEO counselor for further information and assistance.

APPENDIX D

Counselor - Give this notice to aggrieved person as soon as you become aware that this regulation may apply.

NOTICE OF POSSIBLE MIXED CASE COMPLAINT
29 C.F.R. 1614.302
PERSONNEL POLICIES AND PROCEDURES MANUAL (PPPM) CHAPTER 713

Section 1614.105 of the regulations of the U.S. Equal Employment Opportunity Commission (EEOC) requires that upon an aggrieved person's initial contact with the Equal Employment Opportunity (EEO) counselor, or as soon thereafter as possible, the counselor shall inform an aggrieved person who meets certain criteria of the possibility of a "mixed case" complaint. Further, the EEO counselor must communicate to the aggrieved person the substance of 29 C.F.R. 1614.302 concerning the election of remedies.

Following is an explanation and summary of 29 C.F.R. 1614.302 as provided in EEOC Management Directive 110.

A "mixed case complaint" is a complaint of employment discrimination filed with a Federal agency based on race, color, religion, sex, national origin, age, handicap or reprisal related to or stemming from an action that may be appealed to the Merit Systems Protection Board (MSPB). The complaint may contain only an allegation of employment discrimination or it may contain additional non-discrimination allegations that the MSPB has jurisdiction to address. A "mixed case appeal" is an appeal filed directly with the MSPB that alleges that an appealable agency action was effected, in whole or in part, because of discrimination on the basis of race, color, religion, sex, national origin, handicap, or age.

EEOC regulations provide for processing discrimination complaints on matters which are otherwise appealable to the MSPB. Two determinations must be made to decide if the mixed case regulations apply: (1) the employee must have standing to file such an appeal with the MSPB, and (2) the matter which forms the basis of the discrimination complaint must be appealable to the MSPB.

The following employees generally have a right to appeal to the MSPB and, therefore, to initiate a mixed case complaint or appeal:

- (1) competitive service employees not serving a probationary or trial period under an initial appointment;
- (2) career appointees to the Senior Executive Service;
- (3) non-competitive service preference eligible employees with one or more years of current continuous service (e.g., postal employees and attorneys with veterans preference); and
- (4) non-preference eligible excepted service employees who have completed their probationary period or with two or more years of current continuous service (e.g., attorneys).

This is not an all-inclusive list of those employees who have standing to appeal to the MSPB, and questions which arise in this area should be referred to the Division of Human Resources or to the MSPB.

The following employees generally do not have a right to appeal to the MSPB:

- (1) probationary employees (unless certain circumstances apply; the EEO counselor or EEO officer can provide information on these circumstances);
- (2) non-appropriated fund activity employees; and,
- (3) employees serving under a temporary appointment limited to one year or less.

Most appealable matters fall into the following six categories:

- (1) reduction in grade or removal for unacceptable performance;
- (2) removal, reduction in grade or pay, suspension for more than 14 days, or furlough for 30 days or less for cause that will promote the efficiency of the service;
- (3) separation, reduction in grade, or furlough for more than 30 days, when the action was effected because of a reduction-in-force;
- (4) reduction-in-force action affecting a career appointee in the Senior Executive Service;

- (5) reconsideration decision sustaining a negative determination of competence for a general schedule employee; and,
- (6) disqualification of an employee or applicant because of a suitability determination.

The regulations provide that a covered individual may raise allegations of discrimination in a mixed case either as a direct appeal to the MSPB or an EEO complaint with the agency, but not both. The action you file first is considered an election to proceed in that forum. Filing a formal written EEO complaint constitutes an election to proceed in the EEO forum. Contacting an EEO counselor or receiving EEO counseling does not constitute an election. If you file a complaint, it will be processed in accordance with procedures in PPPM Chapter 713, except that your appeal rights will be to MSPB, not EEOC. Following a final decision from MSPB, you may petition EEOC to review that decision as it pertains to allegations of discrimination.

If you file an MSPB appeal and seek EEO counseling in a timely manner, counseling may continue if you and the Agency agree. Counseling terminates as discussed in PPPM 713 paragraphs 3.f.5,6, or 7. If you file an MSPB appeal before filing a complaint, and if the Agency does not question the jurisdiction of the MSPB, the Agency will dismiss any complaint on the same matter. Jurisdiction means the matter is appealable to MSPB. If you file an appeal with the MSPB and the Agency or the MSPB questions jurisdiction, the Agency will hold the complaint in abeyance until the MSPB rules on jurisdiction. If the MSPB has jurisdiction, the complaint is dismissed. If the MSPB does not have jurisdiction, the complaint is "unmixed" and processed as a regular EEO complaint. After receipt of a final MSPB decision, you may petition EEOC to review that decision.

If you have further questions regarding this special procedure, please see your EEO Counselor or the EEO Officer.

APPENDIX E

Counselor - Give to aggrieved person as soon as you become aware that this regulation may apply.

NOTICE OF REQUIREMENTS FOR AGE DISCRIMINATION COMPLAINTS

29 C.F.R. Part 1614

PERSONNEL POLICIES AND PROCEDURES MANUAL (PPPM) CHAPTER 713

Section 1614.105 of the regulations of the U.S. Equal Employment Opportunity Commission (EEOC) requires that upon an aggrieved person's contact with the Equal Employment Opportunity (EEO) counselor, or as soon thereafter as possible, the counselor shall inform the aggrieved person who is alleging age discrimination of the unique nature of age discrimination complaints and procedures available to him/her in pursuing age discrimination complaints. Following is an explanation of these procedures, as provided by EEOC Management Directive 110.

An aggrieved person who believes he/she has been discriminated against because of age may file an administrative age discrimination complaint with the agency pursuant to 29 C.F.R. Part 1614 and PPPM Chapter 713. If the aggrieved person elects to file an administrative complaint, he/she must first exhaust administrative remedies before he/she may file a civil action in U.S. district court. Exhaustion of remedies in this case means that the complainant has pursued the administrative process to the point where a civil action may be filed pursuant to section 1614.201. A civil action may be filed:

1. 180 days after filing an individual complaint if the Agency has not issued a final decision and the individual has not filed an appeal;
2. After issuance of a final decision on a complaint if the individual has not filed an appeal; or
3. After issuance of a final decision by the EEOC on an appeal, or 180 days after filing an appeal if the EEOC has not issued a decision.

An aggrieved person may bypass the administrative complaint process and file a civil action directly in U.S. district court provided that the aggrieved person first provides the EEOC with a written notice of intent to sue under the Age Discrimination in Employment Act (ADEA). The notice to the EEOC must be filed within one hundred and eighty (180) days of

the date of the alleged discriminatory action. Once a timely notice of intent to sue is filed with the EEOC, the aggrieved person must wait at least thirty (30) days before filing a civil action.

It is the responsibility of the aggrieved person to provide the EEOC with a written notice on intent to sue within one hundred and eighty (180) days of the date of the alleged discriminatory action.

Notices of intent to sue must be mailed to the Commission at the following address:

Equal Employment Opportunity Commission
Office of Federal Operations
Federal Sector Programs
P.O. Box 19848
Washington, D.C. 20036

or hand delivered to:

Equal Employment Opportunity Commission
Office of Federal Operations
Federal Sector Programs
1801 L Street N.W.
Washington, D.C. 20507

or sent by facsimile to:

(202) 663-7022

The notice of intent to sue should be dated and must contain the following information:

- (1) statement of intent to file a civil action under section 15(d) of the Age Discrimination in Employment Act of 1967, as amended;
- (2) name, address, and telephone number of the employee or applicant;
- (3) name, address, and telephone number of the complainant's designated representative, if any;
- (4) name and location of the Federal agency or installation where the alleged discriminatory action occurred;
- (5) date on which the alleged discriminatory action occurred;
- (6) statement of the nature of the alleged discriminatory action(s); and,

- (7) signature of the complainant or the complainant's representative.

Upon receipt of a notice of intent to sue, the EEOC will promptly notify the agency (and all persons named in the notice as prospective defendants in the action, if any), in writing, of its receipt of the notice of intent to sue and will provide the agency with a copy of the notice. A copy of the notification will be provided to the aggrieved person and/or his/her representative, if any.

Where an aggrieved person files a civil action before the agency has completed its inquiry, or before the EEOC has reviewed the agency's disposition, the EEOC will close the matter and will take no further action on the notice of intent to sue.

Upon receipt of a notice to sue, the agency must review the allegation(s) of age discrimination and conduct an inquiry sufficient to determine whether there is evidence that unlawful age discrimination has occurred. The method of the review/inquiry is a matter of determination by the agency.

If you have questions concerning these procedures, please see your EEO Counselor or the EEO Officer.

APPENDIX F

Counselor: Give to aggrieved person as soon as you become aware that this regulation may apply.

NOTICE OF REQUIREMENTS FOR
EQUAL PAY ACT COMPLAINTS
29 C.F.R. Part 1614
PERSONNEL POLICIES AND PROCEDURES MANUAL (PPPM) CHAPTER 713

Section 1614.105 of the regulations of the U. S. Equal Employment Opportunity Commission (EEOC) requires that upon an aggrieved person's contact with the Equal Employment Opportunity (EEO) counselor, or as soon thereafter as possible, the counselor shall inform aggrieved person who is alleging discrimination in pay of the unique nature of these complaints and procedures available to him/her in pursuing these complaints. Following is an explanation of these procedures, as provided by EEOC Management Directive 110.

If you allege discrimination in pay, your complaint may be covered under the Equal Pay Act (EPA). Complaints of this nature are processed in accordance with procedures given in PPPM Chapter 713. However, regulations require that potential complainants under the EPA be notified of the right to file a claim directly in U.S. district court, without providing notice to EEOC or without exhausting administrative remedies. Exhausting administrative remedies means going through the Agency and EEOC complaint process. Claims under the EPA must be made within 2 years after their occurrence or within 3 years for willful violation.

If you have questions concerning these procedures, please see your EEO Counselor or the EEO Officer.

APPENDIX G

Sample Resolution Letter

MEMORANDUM FOR (NAME OF AGGRIEVED PERSON)

FROM: (Name of Counselor)

SUBJECT: Resolution of EEO Matter

This refers to the matter which you first discussed with me on [DATE] when you alleged discrimination because of [IDENTIFY BASIS OF DISCRIMINATION] when on [IDENTIFY DATE OF ALLEGED DISCRIMINATORY EVENT] the following occurred: [IDENTIFY ALLEGED DISCRIMINATORY EVENT]

_____. The purpose of this letter is to set out the terms of the informal resolution.

[INSERT TERMS OF RESOLUTION]

If you believe the agency has not complied with the terms of the informal resolution, you may, under Personnel Policies and Procedures Manual (PPPM) Chapter 713 and 29 C.F.R. - 1614.504, notify the Director of Equal Employment Opportunity in writing within **30 calendar days** of the date of the alleged violation, requesting that the terms of the informal agreement be specifically implemented. Alternatively, you may request that the matter be reinstated for further processing from the point processing ceased.

The agency has signed the terms of the resolution as indicated by the signature of the agency official. Your signature and date below will verify your receipt of this letter and will signify your agreement with the terms of the informal resolution of this matter as set out above. Enclosed is a duplicate copy of this letter. Please date and sign the original and the copy in the spaces provided and return the copy to me for inclusion in the counseling file. I will send a signed copy to the agency. You may keep the original.

Sincerely,

EEO Counselor
Date signed

Agency Official
Date signed

Aggrieved Person
Date signed

APPENDIX H

Notice of Right to File Discrimination Complaint

MEMORANDUM FOR: (Name of Aggrieved Person)
FROM: (Name of Counselor)
SUBJECT: Notice of Right To File a Discrimination Complaint

This is to inform you that because the matter you brought to my attention has not been resolved to your satisfaction, you are now entitled to file a discrimination complaint based on race, color, religion, sex, national origin, physical or mental handicap, age, and/or reprisal. If you file a complaint, it must be in writing, signed, and filed, in person or by mail within 15 calendar days after receipt of this notice, with any of the following officials authorized to receive discrimination complaints:

- Equal Employment Opportunity Officer

Selective Service System
National Headquarters
(fill in complete address)

- Director of Equal Employment Opportunity

Selective Service System
National Headquarters
(fill in complete address)

- Federal Women's Program Coordinator

Selective Service System
National Headquarters
(fill in complete address)

- Director of Selective Service

(fill in complete address)

- Field Installations (if applicable)

If Region Headquarters, provide complete name and address of Region Director

If Data Management Center, provide complete name and address of Operations Center Manager

A postmark dated within the 15-day limit will be evidence of timely filing.

If you file your complaint with one of the officials listed above (other than the EEO officer), it will be sent to the activity EEO officer for processing. Therefore, if you choose to file your complaint with any of the other officials listed above, be sure to provide a copy of your complaint to the EEO officer to ensure prompt processing of your complaint.

The complaint must be specific and contain only those issues discussed with me. It must also state whether you have filed a grievance under a negotiated grievance procedure or an appeal to the Merit Systems Protection Board on the same matters.

If you retain an attorney or any other person to represent you, you or your representative must immediately notify the EEO officer, in writing. You and/or your representative will receive a written acknowledgement of your discrimination complaint from the appropriate agency official.

If you file a complaint, you should name _____, **provide name** Director of Selective Service.

NOTES TO COUNSELOR

1. Refer to latest Headquarters Order on Equal Employment Opportunity to obtain names of officials listed above.
2. This notice is to be given to the person counseled at the final interview. The recipient should sign and date a copy, certifying receipt. If mailed, send certified mail, and regular mail.
3. A copy of this notice should be kept by the Counselor. If a complaint is filed, a copy should accompany the Counselor's report on his/her counseling activities and will be made a part of the complaint file.

APPENDIX I

EEO COUNSELOR'S REPORT

29 C.F.R. Section 1614.105(c)

Personnel Policies and Procedures Manual Chapter 713

A) AGGRIEVED PERSON

Name: _____
Job Title/Series/Grade: _____
Place of Employment: _____
Work Phone No: _____ Home Phone No: _____
Home Address: _____

B) CHRONOLOGY OF EEO COUNSELING

Date of Initial Contact: _____
Date of Initial Interview: _____
Date of Alleged Discriminatory Event: _____
45th Day After Event: _____
Reason for delayed contact beyond 45 days, if applicable: _____

Date Counseling Report Requested: _____
Date Counseling Report Submitted: _____

C) BASIS(ES) FOR ALLEGED DISCRIMINATION

- 1) [] Race (Specify) _____
- 2) [] Color (Specify) _____
- 3) [] National Origin (Specify) _____
- 4) [] Sex (Specify) _____
- 5) [] Age (Date of Birth) _____
- 6) [] Mental Handicap (Specify) _____
- 7) [] Physical Handicap (Specify) _____
- 8) [] Religion (Specify) _____
- 9) [] Reprisal (Identify earlier event and/or opposed practice, give date) _____

D) ALLEGATIONS OF DISCRIMINATION

E) REMEDY REQUESTED

F) EEO COUNSELOR'S CHECKLIST - THE COUNSELOR ADVISED THE AGGRIEVED PERSON IN WRITING OF THE RIGHTS AND RESPONSIBILITIES CONTAINED IN THE EEO COUNSELOR CHECKLIST.

G) SUMMARY OF COUNSELOR'S INQUIRY

1) Personal Contacts

2) Documents Reviewed

H) SUMMARY OF INFORMAL RESOLUTION ATTEMPT

I) SUMMARY OF INFORMATION GIVEN TO AGGRIEVED PERSON/AGENCY BY COUNSELOR

Name of EEO Counselor

Telephone Number

Signature of Counselor

Office Address

Date

APPENDIX J

DATE

MEMORANDUM FOR EEO OFFICER

FROM: (Name of Counselor)

SUBJECT: Counseling Report for (Month/Year)

Total number of individuals counseled during the period _____.

Number counseled within 30 days extension _____.

Number counseled within 60 days extension _____.

Alleged action prompting counseling. Discuss as necessary.

APPENDIX K

GUIDELINES FOR GRANTING OFFICIAL TIME FOR PROCESSING DISCRIMINATION COMPLAINTS

Authority

By authority of 29 C.F.R., Part 1614.605 and as referenced in Equal Employment Opportunity Commission (EEOC) Management Directive 110, employees shall be granted a reasonable amount of official time for precomplaint counseling and for preparation and presentation of EEO complaints. If an employee of the Agency is designated as a complainant's representative, he/she is also entitled to a reasonable amount of official time. Following are guidelines to assist managers and supervisors in determining and granting reasonable official time.

Procedures

A person being counseled on a complainant should submit a written request for official time to his/her immediate supervisor and should provide any available documentation in support of the request. The request should clearly state the estimated time required and the reasons therefor, and should be submitted with the maximum possible advance notice to allow appropriate planning and scheduling of the workload of the office.

Determination of whether to grant official time should be made by the requestor's immediate supervisor with the concurrence of the senior staff member in charge of the organization in which the complainant is employed. Official time may be granted at the worksite or away from the worksite for reasons such as meetings with lawyers or other representatives. In deciding whether to grant a reasonable amount of official time, managers should apply the rule generally used in scheduling and granting annual leave. Such leave is normally granted if possible within the current workload of the organization. All official time requested for any official proceeding such as a hearing or meeting with a judge, over which the complainant has no control, is deemed reasonable and should be granted.

Because each case will differ in complexity, reasonable time will vary from one case to another. Officials should exercise discretion in determining what is reasonable for both precomplaint processing and complaint processing as required by each individual case. Complainants and managers should plan requests and coordinate fully to assure adequate time for case preparation and presentation without adverse effect on the mission of the organization.

To ensure adequate documentation, requests for and determinations for official time shall be in writing and shall become part of the complaint file. Official time should be documented and accompanied by any available documentation, such as notice of hearing or subpoena. Any denial of official time shall be fully documented and made a part of the complaint file.

Resources

The EEO Officer or servicing personnel specialists are available for guidance on this issue, as is the EEO Counselor for the potential complainant.

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 771
SELECTIVE SERVICE ADMINISTRATIVE GRIEVANCE SYSTEM

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PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 771
SELECTIVE SERVICE ADMINISTRATIVE GRIEVANCE SYSTEM

1. PURPOSE

This Chapter establishes policies and procedures for an administrative grievance system for the Selective Service System (SSS). Through this system, employees may request personal relief in a matter of concern or dissatisfaction which is related to their employment and which is within the control of Agency management. The procedure is divided into two parts. One part applies to grievances relating to matters other than performance appraisals. The second part applies to grievances of performance appraisals.

2. LEGAL AND REGULATORY BASES

This Chapter implements the legal and regulatory requirements in 5 CFR Part 771.

3. POLICY

- a. It is the policy of the SSS to administer a grievance system which provides informal and formal avenues through which employees may seek remedial action on covered matters and obtain a prompt, fair and equitable response.
- b. Any person, involved in the processing or resolution of a grievance, including the grievant(s), management officials, their representatives, and witnesses, must not be subject to restraint, interference, coercion, discrimination, or reprisal by any employee of the Agency in connection with the exercise of rights and responsibilities under this Chapter.
- c. Any person involved in the processing or resolution of a grievance must protect the confidentiality of all related communications with the employee and other persons involved in the grievance and protect the right of the individual's privacy. Persons with access to information related to the grievance must not disclose that information to anyone except those who have a need to know. Individuals granted access to this information should be advised of the requirements for confidentiality as outlined in this paragraph.

4. **COVERAGE**

a. **EMPLOYEES COVERED**

This policy applies to all current civilian, compensated SSS employees who are not members of a bargaining unit.

b. **MATTERS COVERED**

With the exception of excluded matters listed below in paragraph 4. c., this Chapter applies to any matter of concern relating to the employment of an employee which is subject to the control of Agency management, including any matter on which an employee alleges that coercion, reprisal, or retaliation has been practiced against him or her.

c. **MATTERS NOT COVERED**

- (1) The content of established Agency regulations and policy;
- (2) A matter which the employee is or was entitled to grieve under a negotiated grievance procedure or in which the employee is entitled to file an appeal or other formal challenge for which the following organizations have authority to grant a remedy: The U.S. Merit Systems Protection Board, the U.S. Office of Personnel Management, the Federal Labor Relations Authority, or the Equal Employment Opportunity Commission;
- (3) Promotion decisions or nonselection for promotion from a group of properly ranked and certified candidates or failure to receive a noncompetitive promotion, including a career ladder promotion;
- (4) A preliminary warning notice of an action which, if effected, would be covered under the grievance system or excluded by paragraph 4. c. (2) above;
- (5) The performance evaluation of a Senior Executive Service (SES) appointee; the reassignment of an SES appointee following his/her receipt of an unsatisfactory rating; the return of an SES career appointee to the General Schedule or another pay system during the one year period of probation or for less than fully successful executive performance, or for failure to be recertified; the conditional recertification of an SES career appointee; or the termination of an SES career

appointee during probation for unacceptable performance;

- (6) A termination of a probationer; a return of an employee serving supervisory or managerial probation to a nonsupervisory or nonmanagerial position; or a separation or termination of an employee during a trial period;
- (7) The substance of elements and performance standards; work or performance objectives; and/or statements of work or performance objectives;
- (8) The granting of, failure to grant, or the amount of an award granted under Chapters 430 or 451 of this Manual; the adoption of or failure to adopt an employee suggestion or invention under Chapter 451; the granting of or failure to grant an award of the rank of meritorious or distinguished executive to an SES career appointee; the granting of, failure to grant, or the amount of a performance award for an SES career appointee; or the receipt of or failure to receive a quality step increase;
- (9) A decision to grant or not to grant a SES pay rate increase;
- (10) The payment of, failure to pay, or the amount of a recruitment bonus, a relocation bonus, a retention allowance, or a supervisory differential; the payment of, failure to pay, or the amount of critical position pay; or the failure to request or grant an exception to the dual compensation restrictions;
- (11) The termination or expiration of a time-limited excepted appointment, a temporary or term appointment or promotion, or a SES limited emergency or limited term appointment, on the date specified as a condition of employment at the time the appointment or promotion was made; or the termination of a temporary or term promotion at any other time provided the employee was informed in advance of the temporary nature of the promotion and the employee was returned to his or her former position from which temporarily promoted or to a different position which is equivalent to the former position in grade and pay;
- (12) An action taken in accordance with the terms of a formal agreement voluntarily entered into by an employee which:

- (a) Assigns the employee from one geographical location to another; or
- (b) Returns an employee from an overseas assignment;
- (13) A separation or termination action not already excluded; and,
- (14) A matter meeting the definition of a grievance but in which the employee files a complaint or other challenge under another review procedure, reconsideration, or dispute resolution process within the Agency.

5. **DEFINITIONS**

a. **BARGAINING UNIT EMPLOYEE**

A Bargaining Unit Employee is an employee included in an appropriate exclusive bargaining unit for which a labor organization has been granted exclusive recognition.

b. **DAY**

Day means a calendar day.

c. **DECIDING OFFICIAL**

A Deciding Official is the official who renders a decision on the formal grievance. This official is normally the supervisor at the next higher level above the one who processed the informal grievance. However, this role may be assigned, if circumstances warrant, to a Senior Staff member.

d. **EXAMINER**

An Examiner is a person who conducts an inquiry on a grievance, who has not otherwise been involved in the matter of the grievance, and who does not occupy a position subordinate to any official who advised, made a decision on, or who is, or was otherwise involved in the matter of the grievance (including the Deciding Official).

e. **GRIEVANCE**

A Grievance is a request by an employee, or by a group of employees acting as individuals covered by paragraph 4.a. above, for personal relief in a matter of concern or dissatisfaction relating to the employment of the

employee(s). The matter must be subject to the control of Agency management, and not excluded by paragraph 4. b. above.

f. GRIEVANCE FILE

Grievance file means a separate file which contains all documents or copies of documents related to the grievance, including but not limited to, the written grievance filed by the employee(s), any statements of witnesses, records or copies thereof, the report of a hearing if one is held, the report of findings and recommendations, the report of an examiner, if one is used, statements made by the parties to the grievance, and the Agency's decision.

g. PERSONAL RELIEF

Personal Relief is a specific remedy personally benefiting the grievant(s). It may not include a request for disciplinary action affecting another employee. If the remedy or relief requested would benefit the grievant(s) and at the same time benefit someone else, it still would qualify as personal relief. Conversely, if a requested remedy would benefit others but would not personally benefit the grievant(s) at the same time, such a remedy would not be considered personal relief. Failure to request personal relief consistent with the above definition may be the basis for canceling or suspending the processing of a grievance.

h. SUPERVISOR

A Supervisor is the first level of authority at which the full range of personnel management responsibilities is exercised.

i. REVIEWING AUTHORITY

The Reviewing Authority is the final level of authority that renders a final decision on the grievance.

6. DISCRIMINATION ISSUES

Actions which may have resulted from discrimination should be addressed through Equal Employment Opportunity (EEO) complaint procedures found in Chapter 713 of this Manual. In cases where the employee believes discrimination may be involved, he/she is encouraged to refer to Chapter 713 and to seek EEO counseling, if necessary. After filing a grievance, the employee may have a question on whether a grievable action may have been the result of discrimination. If this occurs and

he/she wishes to pursue counseling on the matter, the employee should request suspension of processing of the grievance until the counseling and formal filing period have occurred. Depending upon the stage of processing, the request should be submitted to the official handling the informal grievance or the Deciding Official for the formal grievance. Management officials involved in processing a grievance should be alert to the possibility of discrimination issues being raised as part of the grievance. If such issues are raised, they should be processed in accordance with Chapter 713 of this Manual.

7. **GENERAL GRIEVANCE PROCEDURES**

a. **REPRESENTATION**

(1) **Entitlement to Representation**

An employee has a right to present a grievance without representation. An employee also has the right to be accompanied, represented, and advised by a representative, including an attorney, of his/her choice at any stage of the grievance procedure. This representation will be at the employee's expense. An employee will notify his/her supervisor in writing of the name of his/her representative when initiating a grievance. An employee may change his/her representative, but the employee must notify his/her supervisor of the change in writing.

(2) **Conditions of Representation**

The representative may be another employee in the Federal service or from outside the Federal service. A representative chosen by the employee must be willing to represent the aggrieved employee. In addition, he/she must be free to do so, e.g., not be disqualified because of priority needs of the government, unreasonable cost to the government, or because of a conflict of interest or conflict of position. Conflict refers to an incompatibility between the representation function and an employee's official duties. In the event of challenge to whether the employee may be represented by the individual he/she has designated, the Associate Director for Resource Management (RM) shall decide the matter unless the grievance challenges action or decision of a RM staff member, in which case the decision will be made by the Executive Director (ED) or Deputy Director (DD). The decision on the challenge will

be made within ten calendar days of receipt. Formal Grievance processing will be extended for the time necessary to resolve the challenge, but not more than ten calendar days.

b. ACCESS TO AGENCY RECORDS

In the course of pursuing a grievance, employees are entitled to review their official personnel folders and any relevant document or information of the Agency, which is not legally exempt from disclosure and/or required to be kept confidential in the public interest. Agency officials shall, upon the request of an aggrieved employee or his/her representative, make available for review any non-exempt document or information relevant to the grievance. Disputes as to whether documents or information sought by the grievant are legally exempt from disclosure and/or required to be kept confidential in the public interest shall be resolved by the General Counsel (or designee) if they arise prior to the referral of the grievance to an examiner. Disputes as to the relevancy of documents or information which arise prior to the referral of a grievance to an examiner will be resolved by RM unless the grievance challenges an action or decision of a RM staff member, in which case the decision will be made by the ED or DD. Those arising after referral will be resolved by the examiner.

c. OFFICIAL TIME FOR PRESENTATION OF GRIEVANCE

An employee must be given a reasonable amount of official time to prepare and present his/her grievance if he/she is otherwise in an active duty status. The employee's representative, if also an employee of the Agency, and if in an active duty status, must also be given a reasonable amount of official time to prepare and present the employee's grievance. Official time is to be requested and approved in the same manner as other kinds of leave. The employee requests official time in writing from his/her supervisor. Reasonable official time should be granted unless the work of the office or mission accomplishment is adversely impacted. If the employee's request is not granted, the supervisor should explain, in writing, the reasons for the denial, and work with the employee to schedule the official time as soon as workload permits. Any questions about reasonable official time or its scheduling should be referred to the supervisor or RM.

d. EXPENSES

The grievant must bear any expenses (e.g., communications, travel, copying, typing) associated with the preparation and presentation of a grievance.

e. CANCELLATION OF GRIEVANCES

A grievance shall be cancelled by the person to whom presented, or who is processing the grievance:

- (1) At the employee's written request;
- (2) For failure of the grievant to provide sufficient detail to identify clearly the matter being grieved or specify the personal relief requested;
- (3) Where the grievant requests that disciplinary or other detrimental action be taken against another employee;
- (4) For failure of the grievant to comply with the appropriate time frames and procedures provided in this Chapter; or
- (5) When the grievant has previously filed or later files a formal appeal, complaint, or other challenge on the same matter under this Chapter or under another formal dispute resolution process.

Note: The notice of cancellation must be in writing and give the reason for cancellation. See paragraph 8. e. for information on rejection of a grievance.

f. TIME LIMITS

Time Limits are specified in the procedure for each kind and level of grievance. They are also summarized in Appendix A.

8. INFORMAL GRIEVANCE - MATTERS OTHER THAN PERFORMANCE APPRAISAL

This procedure for processing grievances at the informal stage is to be used for all covered matters except performance appraisals. See paragraph 10. for procedures for reconsideration of performance appraisals.

a. MANDATORY USE OF THE INFORMAL PROCEDURE

The employee must complete action under the informal procedure before a grievance concerning the same matter

may be accepted for processing under the formal procedure.

Exception: A disciplinary action for which the employee had advance notice and the right to reply has already had the informal level of review should be submitted only under the formal grievance procedure. A grievance for which the Director (D) or DD is the first level official for resolution is to be submitted only under the formal procedure because there is no higher organizational level within the Agency for a second review.

b. TIME LIMIT

An employee may present a grievance concerning a continuing practice or condition at any time. An employee must present a grievance concerning a particular act or occurrence within **fifteen calendar days** of the date of that act or occurrence, or the date the employee first became aware or should have become aware of the act or occurrence. (This time limit may be extended only for good cause shown by the employee).

c. FORM OF THE GRIEVANCE

An employee may present a grievance under the informal procedure either orally or in writing. Whether the grievance is presented orally or in writing, it must: (1) be expressly identified by the grievant as an informal grievance under the Agency's administrative grievance system; (2) clearly identify the basis for the grievance; and, (3) specify the personal relief requested by the employee. If the grievance is not presented in writing, the person to whom it is presented must summarize the grievance in writing, including date of presentation, the basis for the grievance, and personal relief sought. The grievant must be given the opportunity to concur in writing that the written summary is a reasonably accurate statement of the grievance, or to make written exception to any part of the summary, before an attempt is made to inquire into and adjust the grievance informally.

d. APPROPRIATE OFFICIAL FOR PRESENTATION

The informal grievance is submitted to the employee's first level supervisor. The supervisor will determine if he/she has responsibility for the matter on which the grievance is based. If it is determined that another organization in the Agency has responsibility for the matter covered by the grievance, the grievance will be referred to that organization. If such a referral is

made, the supervisor will notify the employee, in writing, within **five calendar days** of receipt of the informal grievance, of the referral and the reasons for it. This notification or referral must have the concurrence of RM.

e. REJECTION OF A GRIEVANCE

If the supervisor considers the grievance to be untimely or to consist of a matter not covered by this grievance procedure, he/she will advise the employee. If the employee declines to withdraw the grievance, the official must consult with RM concerning the basis for the proposed rejection. If RM agrees that the grievance should be rejected, the official must return the grievance to the employee with a written statement of the reasons for its rejection, with the written concurrence of RM. If RM does not agree that the grievance should be rejected, the official will be advised in writing, and the official must proceed with the grievance as described below. The decision to reject a grievance should be made within the time limit of **fifteen calendar days** for completion of the informal procedure. A grievance properly rejected at the informal stage may not be processed under the formal procedure.

f. PROCESSING THE INFORMAL GRIEVANCE

- (1) When the appropriate official receives a properly presented grievance for informal resolution, he/she must make whatever inquiry is appropriate to the situation and address all issues raised by the employee.
- (2) The official receiving a grievance for informal resolution must issue to the employee a dated, written notice of the disposition of the grievance which contains at a minimum the following information:
 - (a) The decision on the grievance, the reasons for the decision, and any relief that is offered;
 - (b) The grievant's right to file under the formal grievance procedure if still dissatisfied;
 - (c) Designation of the Deciding Official to whom the formal grievance should be addressed and submitted (see paragraph 9. for role of Deciding Official);

- (d) Citation of this Chapter as outlining requirements for the formal submission; and,
- (e) Referral of the employee to Agency personnel available for consultation (see paragraph 7. b. above).

This notice must have the concurrence of RM before it is issued.

9. **FORMAL GRIEVANCE PROCEDURE OTHER THAN MATTERS RELATING TO PERFORMANCE APPRAISALS**

This procedure for processing grievances at the formal stage is to be used for all covered matters except performance appraisals. See paragraph 10. for procedures for reconsideration of performance appraisals.

a. **TIME LIMITS**

- (1) For matters for which the informal procedure is mandatory, a formal grievance must be presented within **fifteen calendar days** of the completion of the informal procedure.
- (2) For disciplinary actions for which the employee had advance notice and the opportunity to reply, the formal grievance must be presented within **fifteen calendar days** of the effective date of the disciplinary action.

b. **FORM OF THE GRIEVANCE**

The grievance must: (1) be in writing; (2) contain sufficient detail to identify clearly the basis for the grievance; (3) specify the personal relief requested by the employee; and, (4) except when the informal procedure is not required (see paragraph 8. a.), provide a copy of the written notification to the employee of the disposition of the grievance under the informal procedure.

c. **ISSUES THAT MAY BE PRESENTED**

For matters for which the informal procedure is mandatory, the grievant may only present under the formal procedure issues and request for relief contained in his or her presentation under the informal procedure. If the employee presents at the formal stage matters or elements of relief not presented under the informal procedure, the grievance must be returned to the employee as provided in paragraph 9. e.

d. **OFFICIAL TO WHOM PRESENTED**

The grievance must be submitted to the Deciding Official designated at the completion of the informal stage. The Deciding Official must be at a higher organizational level than the official who considered the grievance under the informal procedure, or higher than the Deciding Official on a disciplinary action, except when the Director of Selective Service is involved at the informal level or as the Deciding Official on a disciplinary action. When the Director is involved, he/she may assign the role of Deciding Official or reviewer to a Senior Staff member who has not been involved in any phase of the matter being grieved.

e. **REJECTION**

- (1) If the grievance is untimely, as outlined in Appendix A., or consists wholly of a matter or matters not covered by this grievance system, or if the relief requested is not personal, the Deciding Official will, within **ten calendar days**, return the grievance to the employee with a written explanation of the reasons for its rejection.
- (2) If the grievance consists in part of a matter or matters not covered by the grievance system, the Deciding Official will return the grievance to the employee with a written explanation of the reasons why it is unacceptable in part and inform the employee of his/her right to submit a revised grievance within **ten calendar days** of receipt of the written explanation.
- (3) If the employee has not satisfied the requirement for informal consideration, the Deciding Official will return the grievance to the employee, informing him/her of the requirement for informal consideration. The employee must then present the grievance to the appropriate official under the informal procedure within **ten calendar days** of its return, notwithstanding the time limits provided for in paragraph 9. b. above.

f. **PROCESSING THE FORMAL GRIEVANCE**

- (1) After a grievance has been accepted, the Deciding Official must give the grievance whatever consideration is warranted, conduct whatever investigation or fact-finding is appropriate and issue a proposed decision, within **thirty calendar days**. The Deciding Official may, but is not

required to, designate an examiner to conduct a fact-finding or other inquiry. Requirements for an examiner are found in paragraph 6. d. Arrangements for an examiner will be made by RM at the request of the Deciding Official. The Deciding Official will arrange for the appointment of a representative of management during processing of the grievance.

- (2) If an examiner is appointed, he/she must conduct an inquiry and report to the Deciding Official as described in Appendices B and C. Criteria for such an appointment will be established on a case-by-case basis.
- (3) If an examiner is not appointed to conduct an inquiry, the reasons for this decision shall be written by the Deciding Official and will become part of the file.
- (4) If an examiner is not appointed, the Deciding Official's processing of the grievance must consist of at least the following:
 - (a) A thorough review of any written presentation by the employee;
 - (b) Whatever fact-finding is appropriate to the situation;
 - (c) The establishment of a grievance file containing all documents relating to the grievance;
 - (d) The opportunity for the grievant and for management's representative to comment on the grievance file at the conclusion of the Deciding Official's investigation or fact-finding, including all of the documents on which the Deciding Official will rely in making a decision;
 - (e) Inclusion of the comments of both parties in the grievance file;
 - (f) Evaluation of all evidence in the file;
 - (g) An analysis of the issues; and,
 - (h) A proposed decision which documents all due consideration of the merits of the grievance.

- (5) The Deciding Official will issue a proposed decision based on either the examiner's report, or the grievance processing without an examiner. The grievant and management's representative will be given an opportunity to comment on the proposed decision within ten calendar days after its issuance.
 - (a) If either party objects to or requests further review, the grievance will be referred within five calendar days, to a reviewing authority for final decision. The grievant will be notified when the grievance is referred to the reviewing authority. If the Deciding Official is the Director, he/she may appoint another staff member to serve as Reviewing Authority or may decide to adopt the proposed decision as final, with or without modification.
 - (b) The final decision will be issued within ten calendar days after referral to the Reviewing Authority.
- (6) If the Deciding Official has to extend any of the time limits listed above, he/she will provide the grievant and all parties concerned with the reason(s) for the delay and expected dates for completion.

10. PROCEDURES FOR RECONSIDERATION OF PERFORMANCE APPRAISALS

This section provides procedures for reconsideration of performance appraisals. Appraisal procedures are found in Chapter 430 of this Manual.

Procedures outlined in paragraph 7. above for representation, consultation, access to records, official time, expenses, and cancellations also apply to performance appraisal reconsideration.

11. INFORMAL RECONSIDERATION OF PERFORMANCE APPRAISALS

This procedure is to be used for reconsideration of performance appraisals at the informal stage.

a. MANDATORY USE OF THE INFORMAL PROCEDURE

The employee must complete action under the informal reconsideration procedure before a grievance concerning the same matter may be accepted for processing under the formal reconsideration procedure.

b. TIME LIMIT

An employee requesting reconsideration of his/her appraisal should contact the reviewing/approving official within **fifteen calendar days** of receipt of the final appraisal.

c. FORM OF THE REQUEST FOR RECONSIDERATION

An employee requesting reconsideration of his/her appraisal must present a written statement indicating why he/she believes the appraisal is inaccurate and noting specific accomplishments, achievements or other relevant information which he/she believes were not considered in the appraisal.

d. APPROPRIATE OFFICIAL FOR PRESENTATION

The informal request for reconsideration is submitted to the official who signed the appraisal as reviewer/approver.

e. REJECTION

If the official receiving the informal reconsideration considers the request to be untimely or not covered by this procedure, he/she will advise the employee. If the employee declines to withdraw the request, the official should consult with RM. If RM agrees the request should be rejected, the official will return it with a written explanation. If RM does not agree, the official will be advised in writing and the official must proceed with the reconsideration as described below. The decision to reject the request should be made within the time limit of **fifteen calendar days** for completion of the informal reconsideration. A reconsideration properly rejected at the informal stage may not be processed at the formal stage.

f. PROCESSING THE INFORMAL RECONSIDERATION

The reviewing/approving official must review the appraisal, conduct whatever fact-finding is appropriate, including consultation with the first-line supervisor or rater and issue a written notice of disposition of his/her review within **fifteen calendar days**. The written disposition will contain, at a minimum, the following information:

- (a) The decision on the informal reconsideration and the reasons for it;

- (b) The employee's right to request formal reconsideration;
- (c) Designation of the Reconsideration Official to whom the formal request should be addressed (see paragraph 12. for role of this official);
- (d) Citation of the applicable Agency policy which outlines requirement for formal submission; and,
- (e) References of the employee to Agency personnel (RM, RMH) available for consultation. (See paragraph 7. above.) This notice must have the concurrence of RM before it is issued.

12. FORMAL PROCEDURES FOR RECONSIDERATION OF PERFORMANCE APPRAISALS

a. **TIME LIMIT**

For reconsideration of a performance appraisal, the request for formal reconsideration must be presented within **ten calendar days** of completion of the informal procedure.

b. **FORM OF THE REQUEST**

The formal request must (1) be in writing; (2) contain specific information on why the employee considers the appraisal to be wrong; (3) contain a statement of errors, omissions on the informal review, or why the employee disagrees with the disposition; and, (4) provide a copy of the notification the employee received at the completion of the informal procedure.

c. **OFFICIAL TO WHOM PRESENTED**

The formal request must be submitted to the Reconsideration Official designated at the completion of the informal review. The Reconsideration Official will be one level higher than the reviewer/approver or the official who processed the informal request, except when the rater, reviewer, or approver is the Director. When the Director is involved, he/she may assign the role of Reconsideration Official to a senior staff member who has not been involved in any phase of the appraisal.

d. **REJECTION**

If the Reconsideration Official considers the request to be untimely or not covered by this procedure, he/she will, within **ten calendar days**, return the request to the

employee with a written explanation of the reasons for rejection. This rejection must have the concurrence of RM.

e. **PROCESSING THE FORMAL RECONSIDERATION**

After a formal request has been accepted for review, the Reconsideration Official must conduct whatever investigation or fact-finding is appropriate and issue a final decision, within **thirty calendar days**. The Reconsideration Official may, but is not required to, designate an examiner to conduct a fact-finding or other inquiry. Arrangements for an examiner will be made by RM at the request of the Reconsideration Official.

- (1) If an examiner is appointed, he/she must conduct an inquiry and report to the Reconsideration Official as described in Appendices B and C.
- (2) If an examiner is not appointed to conduct an inquiry, the reasons for this decision should be written by the Reconsideration Official and will become part of the file.
- (3) If an examiner is not appointed, the Reconsideration Official's processing of the grievance must consist of at least the following:
 - (a) A thorough review of any written presentation by the employee;
 - (b) An opportunity for response to this written presentation by the rater and reviewer/approver;
 - (c) Whatever fact-finding is appropriate to the situation;
 - (d) The establishment of a reconsideration file containing all documents relating to the appraisal grievance;
 - (e) The opportunity for the employee and for the rater and reviewer/approver to comment on the file at the conclusion of the Reconsideration Official's investigation or fact-finding, including all of the documents on which the Reconsideration Official will rely in making a decision;
 - (f) Inclusion of the comments of both parties in the file;

- (g) Evaluation of all evidence in the file; and,
- (h) An analysis of the issues and final written decision which documents all due consideration of the merits of the appraisal reconsideration.

Note: Time limits other than those already specified will be at the discretion of the Reconsideration Official who will be responsible for completion of the formal reconsideration within thirty calendar days.

13. RECORDS

Complete grievance files will be forwarded to the Division of Human Resources and will be maintained for a period of five years from the date of the final decision.

APPENDIX A

TIME LIMITS FOR GRIEVANCE PROCESSING

Time limits for each stage of grievance processing are discussed in the Chapter. This Appendix is intended as a convenient reference and is to be used in conjunction with the Chapter.

Note: All days are calendar days.

Grievances of Matters Other than Performance Appraisal

- | | | |
|-----|---|-------------|
| 1. | Presentation of grievance based on a particular act or occurrence. | 15 days |
| | Presentation of grievance based on a currently continuing practice or condition. | at any time |
| 2. | Decision on representation | 10 days |
| 3. | Referral of grievance to another official, if supervisor has no responsibility for matter. | 5 days |
| 4. | Written notice of action including rejection under informal procedure. | 15 days |
| 5. | Filing of formal grievance after completion of informal procedure. | 15 days |
| 6. | Filing formal grievance based on disciplinary action (informal not required) after the action. | 15 days |
| 7. | Rejection of formal grievance. | 10 days |
| 8. | Submission of revised grievance. | 10 days |
| 9. | Filing informal grievance after return of formal. | 10 days |
| 10. | Fact-finding, examiner and hearing, (if applicable) and proposed decision by Deciding Official. | 30 days |

- | | | |
|-----|---|---------|
| 11. | Comment by grievant and management's representative on proposed decision. | 10 days |
| 12. | If any objection to proposal, referral to Reviewing Authority after receipt of objection. | 5 days |
| 13. | After referral, final decision by Reviewing Authority or remand to Deciding Official. | 10 days |

Reconsideration of Performance Appraisal

- | | | |
|----|---|---------|
| 1. | Presentation of request for reconsideration of final appraisal. | 15 days |
| 2. | Written notice of processing informal reconsideration or rejection of informal request. | 15 days |
| 3. | Filing formal request after completion of informal procedure. | 10 days |
| 4. | Rejection of formal request. | 10 days |
| 5. | Fact-finding, examiner, hearing (if applicable) and final decision. | 30 days |

APPENDIX B

CONDUCT OF THE INQUIRY

1. NATURE OF INQUIRY.

The inquiry may consist of the securing of documentary evidence, personal interviews, a group meeting, or a closed hearing, as appropriate to determine the circumstances of the grievance. The Associate Director for Resource Management may direct the examiner to offer the employee the option of a closed hearing as part of the inquiry.

2. CONDUCTING HEARINGS.

If a hearing is held, the following apply:

- a. Attendance. Attendance is limited to persons determined by the examiner to have direct connection with the grievance, including representatives acting for the Agency.
- b. Exclusion from meeting. The examiner may exclude a person from the hearing at any time for behavior that obstructs the hearing.
- c. Rules of evidence. The hearing must be conducted so as to bring out pertinent facts and evidence. Rules of evidence do not apply strictly but the examiner should exclude irrelevant or unduly repetitious testimony. Decisions on the admissibility of testimony and other evidence are made by the examiner.
- d. Calling and cross-examining witnesses. The parties to the grievance are entitled to produce and to examine and cross-examine witnesses, whose testimony must be under oath or affirmation.
- e. Employee witnesses. Employees of the Agency must ordinarily be made available as witnesses at the examiner's and a party's request, unless the senior staff (or his/her designee) member of the organization where the witness is employed determines that it is impractical to do so. If so, the examiner must be notified in writing of the reasons for that determination. If the examiner determines that the witness is essential to a fair hearing, the hearing may be postponed until the witness is available. Agency employees are in a duty status while they are serving as witnesses, if they otherwise would be in a duty status. Individuals who are not current employees of the Agency may be invited as witnesses, but there is no authority to compel their

attendance.

- f. Report of hearing. The examiner must determine whether the hearing is to be reported by a verbatim transcript or by a written summary of the hearing. The record of the proceedings must include either a verbatim transcript or a written summary, in addition to all pertinent documents and other evidence submitted to and accepted by the examiner. Whether a written summary or a transcript is made, the examiner and the parties are to agree in writing that it is a correct record of the hearing. A party who disagrees is entitled to submit written exceptions to any part of it, and such exceptions together with the summary or transcript constitute the record of the hearing.

3. THE GRIEVANCE FILE.

The examiner must establish a grievance file containing all documents related to the grievance, including documents related to the informal procedure, other written documents, statements of witnesses, and the record of the hearing if a hearing is held. Upon completion of the inquiry, the examiner must make the grievance file available to both parties for review and comments. Their comments, if any, must be included in the file. Each party must receive a copy of any written comments made by the other. All information in the file must be made available for review by the employee and the employee's representative. Information obtained by the examiner which cannot be made available to the employee in the form in which it was received may be included in the file in a form in which the employee may review it. However, if such information is not, for whatever reasons, made available to the employee for review, it may not be included in the file and may not be used as a basis for recommendation of the disposition of the case.

4. REPORT OF FINDINGS AND RECOMMENDATIONS.

After both parties have been given an opportunity to review the grievance file, the examiner must prepare a report of findings and recommendations. The examiner's report should be organized according to the format outlined in Appendix C. The examiner must submit the grievance file and his/her report of findings and recommendations to the Deciding Official. The examiner must also furnish a copy of the report directly to the parties to the grievance.

APPENDIX C

REPORT OF FINDINGS AND EXAMINER'S RECOMMENDATIONS

1. INTRODUCTION

State the authority for the inquiry and the date the examiner received the case. As appropriate, cite the pertinent Office of Personnel Management regulations, Agency policy or other issuances under which the grievance is being processed.

Identify the grievant and the organization in which the grievant works.

2. BACKGROUND

Explain the nature and scope of the inquiry and the methods employed to conduct it (e.g., securing evidential documents, personal interviews, closed hearings, etc.).

3. STATEMENT OF FACTS

State the relevant facts preceding and precipitating the presentation of the grievance, the basis of the grievance, the relief requested, and, as appropriate, earlier efforts at resolution.

4. ISSUES PRESENTED

State the specific issue(s) raised by the grievance. If any matter is excluded because it is not under the coverage of the grievance system, state how it was determined that the matter is not covered.

5. ANALYSIS AND FINDINGS

Discuss each issue identified, considering at a minimum the allegation or contention presented by the grievant; applicable authorities; relevant information and evidence obtained; the weight given to the evidence; and the findings and the reasons for them.

6. RECOMMENDATIONS

State the recommendations for disposition of the grievance. Any recommendations must be consistent with law and any applicable regulations and policy, and they must be within the Agency's authority to implement.



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

**MANUAL: PERSONNEL POLICIES AND
PROCEDURES MANUEL (PPPM)**

RESPONSIBLE OFFICE: SPT

DATE: June 30, 2011

NUMBER: 70

1. This Change Notice transmits modifications to PPPM 900, Military Personnel Administration.

REMOVE

Entire Chapter PPPM 900
dated SEP 1994

INSERT

Entire Chapter PPPM 900
dated JUL 2011

2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner.

A handwritten signature in black ink, appearing to read "Lawrence G. Romo".

Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 900
MILITARY PERSONNEL ADMINISTRATION

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PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 900
MILITARY PERSONNEL ADMINISTRATION

1. **GENERAL**

This Chapter provides policy and procedural direction for the management and administration of Reserve Force Officers (RFOs) assigned to the Selective Service System (SSS). Nothing in this Chapter shall supersede policies or regulations of the Department of Defense (DoD) and the parent services except as authorized by the Director of Selective Service under statutory authority.

2. **AUTHORITY AND SCOPE.**

a. AUTHORITY

Authority for the SSS military personnel program is found in the Military Selective Service Act, {10 (b)(2), (50 App. U.S.C. 460 (b)(2))}. Mobilization authority is found in 10 U.S.C. Sections 672, 673 and 892 and DoD Directive 1235.10, "Mobilization of the Ready Reserve."

b. SCOPE

This Chapter is used in conjunction with regulations and other issuances of the DoD and the parent services for the management and administration of assigned military personnel. A reference list of frequently used parent service regulations is at Appendix A. Additional instructions or guidance may be found in other chapters of this manual. The contents of this Chapter are based upon requirements of the SSS and military services. In instances where deviation from requirements contained herein is believed warranted, requests for exceptions may be submitted to National Headquarters (NHQ), Attn: Support Services (SPT/HR), with a statement of justification.

3 **DEFINITIONS**

a. Annual Training (AT) means a period of active duty training required of members as part of a Ready Reserve assignment.

b. Branch designation or specialty code means a title used to identify principal or secondary position requirements, or a group of positions requiring common qualifications.

c. Inactive Duty Training (IDT) means authorized training performed by a member of a Reserve Component not on active duty, annual training, or active duty for training, and consisting of regularly scheduled unit training periods, additional training periods, or equivalent training, and performed in connection with prescribed activities of the organization to which the member is assigned.

d. Individual Mobilization Augmentee (IMA) means a Ready Reservist assigned to a specific position within the active force which he/she would assume upon mobilization.

e. Mandatory Removal/Separation Date (MRD/MSD) means the date on which a Reserve officer is required to transfer to the Retired Reserve or be discharged from his/her Reserve appointment.

f. Mobilization means the process by which the Armed Forces or part of them are brought to a state of readiness for war or other national emergency.

g. Parent Service means the armed force of which the RFO is a member. These are: Army (USAR), Navy (USNR), Air Force (USAFR), Marine Corps (USMCR), Coast Guard (USCGR) and the Army National Guard (ARNG).

4. RESERVE FORCE PROGRAM

a. GENERAL

The SSS Reserve Force Program is a reserve component military officer cadre consisting of Joint Service Reserve Component IMAs and officers of the Army National Guard. The Office of Management and Budget (OMB) has mandated funded/unfunded authorizations within the Selective Service System. IMAs are selected Reservists not assigned to organized units. IMAs are responsible for their own careers and for their readiness on Mobilization Day (M-Day).

Command, supervision, and management of RFOs during peacetime are the overall responsibility of the respective Region Director. The designated Senior Staff member performs these functions for RFOs assigned to the NHQ Detachment. Unless otherwise stated, references in this Chapter pertaining to Region Director management action of RFOs apply to the designated Senior Staff member for management of RFOs assigned to the NHQ Detachment. Specific instructions for the NHQ Detachment are issued by Headquarters Order.

b. FORCE STRUCTURE

- (1) **Staffing Requirements.** Development of the Agency's mobilization manpower requirements is a responsibility of the Support (SPT/HR) Services Directorate. Peacetime RFO and Guard authorizations are based primarily on the military essential mobilization requirements of the Agency. Grade structure is determined chiefly by the civilian position descriptions for the same assignments. Justifiable exceptions are approved by the Director. The distribution of mobilization assignments as determined by mobilization staffing requirements is set forth in Agency Readiness (aka mobilization plans).

- (2) Reserve Component IMA authorizations and grades are established by manpower authorization documents of each parent service. Reserve Component service and grade alignments are found in the Reserve Forces Automated Personnel System (RFAPS), a subsystem of the Integrated Mobilization Information System (IMIS), and Agency Readiness Mobilization plans.
- (3) National Guard authorizations and grades are established by the Director in coordination with the National Guard Bureau (NGB) and are published in National Guard Regulation 10-2.

c. IMA MANAGEMENT

- (1) Organization. SSS IMAs are formed into Detachments for training and administrative purposes. Detachment strength, subject to mobilization staffing requirements, location, and command are recommended by the Region Director. Requests to add, delete, or consolidate a detachment must be forwarded to the Operations Directorate (OP) for approval and implementation. These requests will contain justification for the change and details of the action, to include new drill site, number of authorizations, and source of the authorizations. Normally, new detachments will not be formed for less than five officers. Detachment position assignments are determined by the Detachment Commander. Detachment assignments are presented in Appendix B.
- (2) IMA Participation Requirements. All IMAs are required by parent services to number of IDTs is based upon the level of training needed for IMAs to perform mobilization duties. While officers perform up to 48 IDTs, a portion of these may be in a non-paid "point only" drill status.

d. SELECTION PROCEDURES

- (1) General. RFOs are selected for assignment to available slots by the respective Region Director, based upon individual staffing authorizations. Selections are made from among the best qualified officers available in the USAR, USNR, USAFR, USMCR, and USCGR.
- (2) Recruitment Sources. Generally, Detachment Commanders recruit potential RFOs from local sources, such as referrals, Reserve Centers, or Reserve Officer Training Corps (ROTC) Departments. Upon request from RHQ, SPT/HR will assist by securing lists of potential RFO candidates from the parent services. The NHQ supervising Senior Staff member is responsible for recruiting and interviewing for NHQ IMA positions.
- (3) Eligibility Requirements. The following eligibility factors are applicable to USAR, USNR, USAFR, USMCR, and USCGR applicants, except as authorized by the Director. Requests for exceptions are forwarded through SPT/HR.
 - (a) Military Education. Applicants must be in compliance with applicable parent service education requirements;

- (b) Civilian Education. Commissioned officers must possess at least a baccalaureate degree. Warrant officers with a baccalaureate degree or higher will be given preference over those without a degree;
 - (c) Pay Grade. Pay grade will be in accordance with mobilization staffing requirements Officers in the grades of WO1 through O-5.
 - (d) Promotion History. Officers at pay grade O-4 and below must not have been passed over for promotion to the next higher grade by a Reserve Promotion Board.
 - (e) Service. Selectees must have at least five years of service remaining prior to MRD or MSD.
 - (f) Availability for Mobilization. Individuals holding a key Federal or civilian position which would preclude service upon mobilization are ineligible for assignment.
- (4) Application Packet. Applications for assignment should include the following:
- (a) Completed SSS Form 479, "Request for Military Personnel Action," requesting assignment (see Attachment C);
 - (b) Full length photograph of officer in uniform or, preferably, official military photograph;
 - (c) Copies of the three most recent, available Evaluation/Fitness Reports;
 - (d) SSS Biographic Record (sample at Appendix D);
 - (e) Authority for Release of Information (sample at Appendix E);
 - (f) Reserve Forces Agreement (sample at Appendix F);
 - (g) Statement of Understanding (sample at Appendix G); and,
 - (h) Parent service form(s), as applicable.
- (5) Preliminary Interview. Reserve Detachment Commanders interview applicants to determine eligibility and availability for service. Commanders forward application packets of recommended candidates to the Region Director and inform applicants that final selection is made by the Region Director. The NHQ supervising Senior Staff member approves assignments to his/her organization.
- (6) Region Headquarters Actions, The Region Director reviews applications received from the Detachment Commander and may choose that the applicants be interviewed at the Region level. He

forwards approved applicant materials to SPT/HR for assignment processing.

- (7) **NHQ Actions.** SPT/HR reviews application packet for completeness and availability of a staffing authorization and generates the appropriate assignment request to the parent service. A copy of the request is provided to the Region Director who advises the Detachment Commander of the effective date of assignment and the date the RFO may begin attending drills. SPT/HR will notify the Region Director if an approved applicant cannot be processed for assignment.
- (8) **Officers with Previous SSS Experience.** Officers who have served with the SSS within the last five years and were separated for reasons other than performance may be eligible for consideration for RFO assignment. Processing of applications is accomplished in the same manner as those for new applicants.

e. **DURATION OF TOUR**

Tour duration is established by Memorandum of Understanding between the SSS and the respective parent service or by requirements of parent service regulations. Tour limitations for the parent services currently are as follows:

- (1) **USAR.** Indefinite assignment without designated rotation period.
- (2) **USNR.** Three year assignment, with possible extension authorized by the Naval Reserve with approval of the Director.
- (3) **USAFR.** Indefinite assignment without designated rotation period.
- (4) **USMCR.** Three year assignment, with possible extension authorized by the Marine Corps Reserve with approval of the Director.
- (5) **USCGR.** Five year assignment, with possible extension authorized by the Coast Guard Reserve with approval of the Director.

f. **BRANCH DESIGNATION**

Reservists who serve in a SSS assignment may be redesignated to a corresponding branch or specialty code in accordance with their parent service regulations:

- (1) **Army:** designated as 42B00/42H00;
- (2) **Navy:** retain current specialty code
1000 positions (numerous officer specialties);

- (3) Air Force: re-designated to Air Force
Specialty Code (AFSC) 7324 or 7316;
- (4) Marine Corps: retain current specialty code;
- (5) Coast Guard: retain current indicator code of
073423.

g. TRANSFERS WITHIN THE RESERVE FORCE PROGRAM

- (1) Within Region Transfers. Requests for transfer from one Detachment to another within the Region are submitted through command channels to the Region Director. Approved requests are forwarded to SPT using SSS Form 479. SPT/HR advises the parent service of the change of assignment. Reassignment orders for USMCR RFOs are issued by the Marine Corps Reserve; other services do not require orders.
- (2) Region to Region Transfers. Requests for transfer from one Region to another are handled by the two regions involved and must have the written approval of the gaining and losing Region Directors and the administrative approval of SPT/HR.
- (3) National Guard to USAR Transfers. Due to a physical relocation or other unusual circumstances, a National Guard RFO may find it necessary to transfer to the USAR. If a USAR vacancy exists, selection and assignment procedures are the same as that of a new application for assignment.

h. AWARDS

The Director is the approving authority or endorser for awards issued to or requested for military personnel assigned to the SSS except as otherwise noted. The SSS Awards Program for military personnel is presented in Appendix H.

i. RETENTION

Region Directors or Senior Staff member supervising NHQ RFOs may initiate involuntary separation action through SPT/HR to terminate the assignment of a RFO who fails to meet the standards of the SSS Reserve Force Program. Parent services may terminate a RFO's assignment for failure to meet minimum retention standards or when the RFO reaches MRD or MSD. It is the policy of the SSS not to request retention of any officer beyond a MRD or MSD. The Director may grant an exception to this retention policy.

J. STAFFING MANAGEMENT IN OVERGRADE SITUATIONS

The Individual Mobilization Augmentee (IMA) authorizations are based on manpower and mission requirements. This guidance provides a unified framework within which to manage the RFOs assigned against those authorizations. It is intended to assist in planning for the recruitment of new RFOs for future vacancies and to afford a degree of flexibility in retaining RFOs who are promoted.

- (1) General. IMA grade and strength authorizations may not be exceeded, except as provided in this guidance. Generally, a RFO may occupy a position which is no more than two grades above his/her current grade; however parent service guidelines will be followed in these situations.
- (2) Responsibilities. The Region Director or SPT/HR is responsible for ensuring that each RFO is aware of staffing policies. They will also monitor the career progression of assigned RFOs in order to project both manpower needs and the prospect of overgrade situations. Region Directors will manage their Region RFO staffing and, as necessary, determine and notify officers to be released in overgrade situations. Technical assistance will be provided by SPT/HR.
- (3) Overgrade Situations. If a RFO is promoted to a grade that exceeds his/her authorized position and there is no vacancy at that grade in that service in the Region's authorization, an overgrade situation will exist. When an overgrade is projected, an officer in the grade or a higher grade, and in the same service in which the overgrade exists must be released unless the officer being promoted declines or defers the promotion (See (4) below). The officer not selected for retention will be released as soon after notification as allowed by his/her parent service notification requirement or a minimum of 60 days, whichever is greater.
- (4) Declination/Deferment of Promotion. An officer selected for promotion may decline/defer the promotion, in accordance with applicable parent service regulations.
- (5) Retention Decisions. Where potential of over grade exists, the Region Director will determine the officer(s) to be released. This decision will be based on assessment of the following factors:
- (6) Documentation. Decisions on officers being released will be documented by the Region Director or SPT/HR in sufficient detail to reconstruct how the decision was derived and to explain or defend the decision should the action be questioned.
- (7) Notice Requirements. When potential for over grade exists, all potentially affected officers will be given as much advance notice as possible that they could be considered for release. Officers selected for release will be afforded the advance notice required by the parent service, or a minimum of 60 days, whichever is longer.
- (8) Non-Retained Officer Utilization. A RFO who has been selected for release may continue to drill until the effective date of release. AT may also be performed. However, because AT funding is limited per position per fiscal year, the combined AT performed by the released RFO and his/her replacement may not exceed the total authorized 13 days for that position in a fiscal year.

k. RETIREMENT AND VOLUNTARY SEPARATIONS

- (1) **Mandatory Removal.** Parent services normally notify SPT/HR and the individual RFO about an approaching MRD or MSD. At least 120 days prior to the MRD or MSD, the RHQ will ensure suitable recognition of the retiree.
- (2) **Voluntary Separation.** Transfers out of the SSS Reserve Force Program are requested through channels to SPT/HR using a SSS Form 479. This form must be signed by the RFO or his/her representative (designated in writing) to request separation. SPT/HR initiates appropriate requests to the parent service.
- (3) **National Guard Separations.** Retirements or transfers for National Guard RFOs are accomplished by the State Adjutant General. RHQ provides SPT/HR with copies of orders pertaining to personnel actions taken by the state National Guard Headquarters.

l. RESERVE FORCES AUTOMATED PERSONNEL SYSTEM (RFAPS)

- (1) **General.** RFAPS is a data subsystem of the Integrated Mobilization Information System (IMIS) that contains personnel information on members of the SSS Reserve Force Program.
- (2) **RFAPS Maintenance.** Maintaining the accuracy and currency, including initial data input requirements, is the responsibility of RHQ. Data elements and user information are available in the IMIS User's Guide.

m. PARENT SERVICE RELATIONSHIPS/REQUIREMENTS

- (1) **Career Development.** Assignment to the SSS Reserve Force Program is a unique reserve IMA affiliation. It demands not only professional competency in the peacetime and mobilization duties of the SSS, but also the pursuit of opportunities to enhance one's military Reserve career. RFOs must become familiar with the types of military education, civilian education needs, training participation requirements, and changes in parent service requirements on a regular basis. Within the SSS Reserve Force Program the emphasis is on individual effort. Parent service courses, both in residence and by correspondence, are available to each officer. It is an individual RFO responsibility to be aware of and to comply with parent service requirements.
- (2) **Promotion Standards.** The Reserve Officer Personnel Act provides the statutory requirements for Reserve promotions. Additionally, each parent service establishes criteria for promotion.
- (3) **Minimum service requirements** are based upon total creditable commissioned service and time in grade. Additional criteria may include the needs of the service, military and civilian educational levels, physical fitness, and the particular standards established by the selection board. RFOs are personally responsible for their own qualifications for promotion.
- (4) **Unit Vacancy Promotions.** The SSS does not participate in any unit vacancy promotion program of any of the parent services. This prohibition applies regardless of the service rules or regulations or the member's possible eligibility within these rules.

(5) Military Education. RFOs must meet the military education standards established by their parent service. Parent services publish educational requirements for promotion. It is generally accepted that promotion boards look with favor upon those officers who have completed course work appropriate for the next grade. RFOs are eligible to complete training in residence, by correspondence, or in seminar programs. Requests for resident training will be favorably endorsed but will not be at Agency expense.

(6) Military School Applications and Attendance. RFOs may attend any school for which they are qualified. Region Headquarters and SPT/HR will assist RFOs in determining the availability of courses and in preparing applications. Parent services will fund resident training. Attendance at a parent service school does not excuse the RFO from attending AT with the SSS.

(7) Evaluation/Fitness Reports. Serve an important role in determining assignments, school selection, retention, and promotion. The information they contain must be accurate and provide a clear, complete picture of accomplishments during the rated period.

(8) Service Regulations and Forms. Each parent service has unique regulations and forms governing preparation of evaluation/fitness reports. SPT/HR provides copies of parent service regulations and forms to the Regions and SPT/HR for distribution.

(9) Rating Chains. Rating chains are lists of officers in each RFO's command who rate the RFO. They are established in accordance with parent service regulations. Each member of the rating chain must be thoroughly familiar with the policies and procedures to be followed when rating SSS RFOs.

(10) Rating Periods. Annual and Change of Rater reports will be submitted to RHQ not later than 20 days after the ending date of the report. RHQ and SPT process the reports and forward them to SPT/HR not later than 30 days after the report ending date. SPT/HR is responsible for ensuring the preparation and timely submission of evaluation/fitness reports.

(11) Physical Fitness and Weight Control. It is incumbent upon every RFO to meet parent service physical fitness and weight standards. Failure to maintain standards may be grounds for a determination of substandard performance and basis for removal. RFOs are encouraged to become enrolled in an active physical fitness training program following proper medical clearance.

(12) Detachment Commanders will monitor compliance with standards and will administer some physical fitness examinations in accordance with parent service rules. Region Directors or NHQ supervisors will certify officers' compliance with parent service height, weight and fitness standards by submitting the form attached at Appendix I (evaluation/fitness report.)

(13) Annual Physical Examinations. Each RFO must comply with parent service physical (medical) examination requirements. In most cases, Reserve and National Guard officers are required to undergo a physical every year, of being considered by a promotion board. Although parent services assist in monitoring compliance, it is an individual responsibility of each RFO to comply. Failure to comply will delay or cancel AT requests.

(14) Uniform. Each RFO is responsible for acquiring, maintaining, and wearing the proper parent service uniform items. Because of unique mission requirements, RFOs may be authorized to wear either military or civilian attire while on duty. Unless otherwise prescribed by the Director, wear of the uniform will be determined as follows:

- (a) Duty Uniforms. The proper uniform for wear during Unit Training Assemblies or while on AT will be determined by the Region Director or Senior Staff member. Occasion for wear of civilian attire while on duty is determined by the Region Director or Senior Staff member.
- (b) Dress Uniforms. The senior officer hosting a function will prescribe the uniform for wear at that function. RFOs will be in the proper uniform.
- (c) Shoulder Sleeve Insignia and Unit Crest. The distinctive SSS Shoulder Sleeve Insignia (Patch) and Unit Crest are authorized and required for wear by USAR RFOs. National Guard RFOs wear them upon approval by the appropriate Adjutant General.
- (d) Military Personnel Records. Official military personnel files of RFOs are maintained by the parent service. It is the individual responsibility of each RFO to ensure that official military personnel files are kept current and complete.
- (e) Benefits. As members of the active Reserve, RFOs are eligible for numerous benefits and entitlements. Benefits are listed in applicable parent service regulations (see Appendix A).

n. NATIONAL GUARD PERSONNEL MANAGEMENT

- (1) Assignment of Army National Guard officers is made by the Adjutant General of each State, Puerto Rico, the Virgin Islands, and Guam, and the Commanding General of the District of Columbia National Guard.
- (2) Tour duration of National Guard officers is determined by the appropriate Adjutant General.
- (3) Awards for National Guard officers are processed in accordance with instructions in Appendix H.
- (4) Region Directors and Senior Staff members may provide input to the rating official for efficiency/ evaluation reports for National Guard officers when requested. These reports are processed by the Guard Detachment to which the officer is assigned.

o. MOBILIZATION

- (1) **Types of Mobilization.** The nature of the national emergency will determine the character of the mobilization effort. An immediate and unpredicted national emergency could prompt the activation of all SSS RFOs for mobilization (M-Day) for an indefinite period of time. However, under a gradual mobilization response, RFOs may be activated on a voluntary or involuntary basis to fill particular needs or provide special skills. Active duty tour durations for mobilized RFOs cannot be determined in advance. As soon as reasonably possible after M-Day the needs of the Agency will be assessed to determine length of active duty service.
- (2) **Mobilization Reporting.** Once an RFOs has received active duty orders from the parent service, the RFO is required to report to location on the order. A reporting date will be identified and will be within 1-45 days of notification by law or direction of the President to mobilize the agency .
- (3) **Failure to Report.** In accordance with 10 U.S.C. Section 892, RFOs notified of the requirement to report for active duty are subject to military jurisdiction from the date and time they are required to report. A RFO who fails to report within 24 hours, as designated, will be reported to the appropriate parent service via established command channels.
- (4) **Certification of Reserve Forces Availability Agreement.** RFOs are required to sign the "Certification of Reserve Forces Availability Agreement" annually, at the beginning of each fiscal year. A sample of this agreement is attached to the Mobilization Advise Letter at Appendix J. Signed agreements are maintained by RHQ.
- (5) **Exceptions to Serving Upon Mobilization.** A RFO who reports upon mobilization and is subsequently found disqualified for active duty will report this information to the Region Director who will immediately notify SPT. SPT will coordinate the RFO's return to the respective parent service. No SSS RFO may hold a key federal or civilian position which would preclude service on active duty.
- (6) **All RFOs will report for duty or be subject to the provisions of Paragraph o. (3) of this section.** A RFO must immediately notify the SSS of any status or circumstances which might preclude availability for mobilization.
- (7) **Mobilization Assignments.** Upon mobilization, RFOs report to designated locations to work under the control of NHQ, RHQ, or SHQ. Mobilization assignments for all RFOs within the Region are made by Region Directors. OP determines mobilization assignments for members of the NHQ Detachment. Categories of mobilization assignments are:

- (a) NHQ Staff Officer. Assume specified duties at NHQ.
 - (b) RHQ Staff Officer. Assume specified duties at RHQ to assist in directing Selective Service efforts of the States, Area Offices, and Military Entrance Processing Station (MEPS) Liaison Offices within the Region.
 - (c) SHQ Staff Officer. Assume specified duties at the SHQ to assist in directing Selective Service activities within the State.
 - (d) Area Office Supervisor (AOS). Establish office and initiate operations for processing registrants. Duties are outlined in applicable mobilization plans.
 - (e) A sample RFO Mobilization Letter is at Appendix J.
- (8) Preparing for Mobilization. SSS RFOs must be adequately prepared to handle the many personal and family matters which will occur as a result of mobilization. Each parent service publishes and distributes to IMAs detailed guidance on IMA mobilization. Copies of these documents may be obtained through RHQ. An IMA mobilization readiness questionnaire is at Appendix K.

p. RESERVE FORCE TRAINING ADMINISTRATION

Fiscal year training requirements are established by SPT/HR, implemented by RHQ, and supervised by Detachment Commanders. RHQ may issue supplemental training policy and management instructions. In attaining training goals RFOs may perform several categories of training. Each category must be accounted for as specified by parent service regulations.

- (1) Inactive Duty Training (IDT). RFOs are required to complete 36 IDTs in a pay status and 12 in a points-only status for a total of 48 IDT assemblies per fiscal year, subject to availability of funds. Each assembly is a four hour block of training known as a Unit Training Assembly (UTA). A full day of IDT (eight hours) is a Multiple Unit Training Assembly (MUTA-2) and is equal to two UTAs. A weekend drill (two full days) is a MUTA-4. One retirement point is awarded for each four hour block of training. Detachment Commanders schedule training quarterly and announce training dates via published training schedules in accordance with Region guidance.

- (a) Equivalent Training (ET). If a RFO is unable to attend a scheduled training assembly because of illness, injury, or other valid personal reason, the Detachment Commander may authorize ET in order to permit training on a day or at a time other than the regularly scheduled training. The duties assigned a RFO performing ET should be commensurate with normal mission requirements. ET normally is performed within a 30 day period preceding or following the excused absence, however, individual service criteria may vary. A maximum of 4 UTAs may be authorized as ET during the fiscal year.
 - (b) Split Unit Training Assemblies (SUTA). A SUTA is a training assembly performed in lieu of regularly scheduled training. When required by mission objectives, SUTAs may be conducted prior to or after regularly scheduled drill dates; however, they should be performed 30 days before or after the scheduled drill. Although there is no limit on SUTAs during the fiscal year, SUTAs are not ET and will not be used as such.
- (2) Annual Training (AT). SSS RFOs are authorized a maximum of 13 days of AT, including travel time, each training year, subject to availability of funds. Subject to parent service guidelines, AT may be performed as a continuous series of training days or may be "fragmented" to satisfy mission requirements.
 - (a) If a RFO cannot meet the requirement to perform AT and no alternative dates can be arranged, a waiver may be requested. Requests are forwarded through command channels to SPT/HR. If approved by the Region Director or Senior Staff member, SPT/HR will notify the parent service.
 - (b) Attendance at service schools, military service sponsored seminars or other active duty offered to a RFO by a parent service is not permissible as a substitute for AT with SSS.
 - (c) For each authorized funded RFO position, SSS reimburses the parent services for a maximum of 13 days AT performed, including travel, per fiscal year.
- (3) Special Tours (ST). ST is training performed in addition to IDT and AT. Rare circumstances may arise which require a RFO to serve more than the authorized number of active duty days for AT. These additional days must be covered by pre-authorized ST that may be Active Duty for Training (ADT), Active Duty for Special Work (ADSW), or Temporary Tours of Active Duty (TTAD). The ST may be authorized to

meet unusual training or mission requirements of the SSS, depending on circumstances and approved funding. Requests for ST must be fully justified in writing approved by the Region Director or SSS Deputy Director and submitted to SPT/HR/M at least sixty (60) days prior to the anticipated beginning of the AT tour. The Military Human Resources Specialist (SPT/HR/M) will forward the Region's request for additional AT days through the Chief Financial Officer (FM) to the SSS Director for approval prior to coordinating with the Parent Services for their approval. Members who complete pre-authorized ST will receive full pay and allowances, and retirement credit for ST.

- (4) Requesting Orders. Requests for orders should be initiated only after detailed planning. Requests approved by the Detachment Commander are submitted to RHQ, SPT/HR, or the supervising Senior Staff member for approval which are at the discretion of the Region Director.
 - (a) RHQ forwards approved requests using RFAPS and sends required parent service forms to SPT for official requests to the parent service.
 - (b) RFOs may not initiate independent requests to parent services for orders except as provided in (d). below. A request for orders is not consummated until the service concerned has published an order.
 - (c) Lead time for processing orders is determined by each parent service. Except for the rarest of circumstances, Reserve Components will not honor requests for orders with less than 60 days lead-time from the date they receive the request. Requests must be submitted well in advance to meet this requirement. National Guard offices generally require a minimum of 30 days lead-time.
 - (d) National Guard Regulation 350-1 requires all National Guard officers to perform a minimum of 15 days of AT. The SSS funds only 13 days. RHQ may initiate requests for the two days funded by the National Guard, either through SPT/HR or directly to the National Guard. However, instructions must be added that the AT is at **NO COST TO THE SELECTIVE SERVICE SYSTEM**. National Guard Detachment Commanders may requests orders for these two days

directly from the State.

- (5) Pay, Allowances and Travel on AT/ST. RFO pay and allowances are processed by the parent service finance office. The packets provide instructions for completing required forms, including travel reimbursement forms. Air Force, Marine Corps, and Navy Reservists submit a certified copy of the AT order to the parent service for pay and allowances. Parent Services pay each RFO for salary, allowances and travel. SSS reimburses the services for the funded RFOs.
- (6) AT Costs Reporting. Once the RFO receives a Travel Order from the Parent Service, they must submit a copy of the Travel Order within seven business days to the RHQ or Associate Director for Support (for Detachment 7-1). If the AT will begin within seven business days, the RFO must submit the copy immediately upon receipt. The RHQ or SSS Deputy Director will review the Travel Order for accuracy and coordinate with the Military Personnel Office, SPT/HR, if amended Travel Orders are required. For each period of AT performed, RFOs must submit actual costs documentation to RHQ within seven days of receipt of payment from the parent service. Actual costs for pay and allowances and travel reimbursement are required.
- (7) IDT Pay. IDT payroll forms, available through RHQ, are submitted directly by the RFO to the parent service no later than five days after completion of the IDT duty. After the RFO is paid by the Parent Service, each RFO is required to submit to the RHQ or SPT/HR for Detachment 7-1 copies of all applicable pay and allowance documents received from the Parent Services. Copies of these documents must be submitted by the RFOs within seven days after receipt.
- (8) AT costs are entered into RFAPS and IDT costs are entered into the Drill Payment Accounting System (DPAS) by RHQ staff. See applicable Headquarters Orders, Directives and the Fiscal Manual for related instructions on finance and accounting.
- (9) Travel and Reimbursement Under SSS Orders. Please note that the Regions are to only submit Requests for SSS Travel Orders for RFOs on very rare occasions accompanied by written justification addressed through the Military Human Resources Specialist (SPT/HR) and the Chief Financial

Officer (FM) to the SSS Director for approval. The SSS Fiscal Manual provides procedural guidance for travel performed in an IDT status under authority of SSS rather than military department orders.

- (10) Detachment Records. Detachment records will be maintained as described below.
 - (a) Detachment Files. Each detachment shall maintain a file of pertinent records and correspondence. File requirements may be expanded by Region guidance but should include, as a minimum.
 - (b) Detachment orders; Personnel rosters and individual file folders, to include documentation that the RFO meets height, weight and fitness standards; Attendance records and reports; and, correspondence to and from RHQ; NHQ and parent services.
 - (c) Operations and Training which include: Fiscal Year Training Plans; Quarterly Training Schedules; Training Guidance Outlines; Designated Training Guidance Packets; ET/SUTA Authorizations; and, Requests for AT.
 - (d) Logistics which includes: Property inventories and requirement lists; and, Logistics Services Request (LSR) file.
 - (e) File Maintenance. Detachment files are screened annually. Materials of current or historic value may be retained indefinitely. Other material is retained for one year.
 - (f) Libraries. Policy, procedural, and mobilization readiness publications are issued and maintained at the Detachment and individual RFO levels. Library requirements may be expanded by RHQ, but should as a minimum include publications shown with State Area Office Readiness Plans Annex E.
- (11) Screening Applications. Applications are screened by Region representatives to ensure applicants meet selection criteria and are qualified for entry within the Selective Service System.

- (a) Applications for pay grades 0-5 are evaluated by the Regional Directors and applicants recommended for further consideration may be interviewed by the Director, Deputy Director, or other Senior Staff member(s), specified by the Director.
 - (b) Applications for pay grades 0-4 and below are reviewed by the Region Director or other Senior Staff member, who make a selection recommendation to the Director.
- (12) Assignment Procedures. After an officer is selected, SPT/HR:
 - (a) Verifies security clearance status;
 - (b) Initiates action to be intergrated in IMIS and added to the accountability spreadsheet and bi-weekly submitted to FM and Chief of Staff.

q. **TOUR LENGTH**

- (1) General. It is the policy of SSS to facilitate the career planning of proven military officers assigned to the Agency on extended active duty. This may be accomplished by requesting a one year, one time extension, (an initial three-year tour with one extension, four-year maximum) from their parent service.
- (2) Evaluation and Recommendation. Procedures for evaluation and recommendation follow.
 - (a) After an officer has served an initial tour of three years in duration, the Senior Staff member to whom the officer is assigned will evaluate him/her for the purpose of requesting an extension of one additional year assignment to the Agency.
 - (b) The evaluation will consider the following criteria, as a minimum, plus any other factors the Senior Staff member deems relevant: job knowledge; managerial capabilities and potential; supervisory capabilities and potential; commitment to SSS; and compliance with parent" service weight and physical fitness standards.

- (c) Evaluations will be forwarded through SPT/HR to the Director for final action.
- (d) After the Director's approval of an officer for an additional one year extension, SPT/HR will make the request to the officer's parent service, perform the necessary liaison during its consideration, and keep the Director and appropriate Senior Staff member informed of its status. The final authority for approving tour length rests with the DoD and/or the parent service.
- (e) If, after an initial tour, an officer is not recommended for an additional one-year extension, he/she may be released or considered for an additional tour of specific length which will be determined by the DoD and/or the parent service.

r. **REASSIGNMENTS**

Senior Staff members of those organizations to which Reserve Force Officers are assigned, the Region Director may recommend changes of assignment for RFOs assigned under their supervision. Reassignment decisions are the prerogative of the Director.

s. **SEPARATIONS**

The decision to return Reserve Force Officers to their parent service will be made by the Director except when, the separation is mandated by law or parent service regulations.

t. **ADMINISTRATIVE SUPPORT**

Administrative support and services are provided by (SPT/HR) in conjunction with those provided by the parent service.

u. **PARENT SERVICE RELATIONSHIPS**

- (1) General. Reserve Force Officers (RFOs) serving with the SSS receive administrative support from their parent service. They are entitled to most of the same rights, privileges, and benefits as other military personnel on active duty.
- (2) Career Progression. Promotions are governed by the provisions of the Reserve Officer Personnel Act, parent service regulations, and are subject to staffing requirements of the Agency. Wherever possible, the Agency will assist (RFOs) in remaining competitive with their parent service

peers. The Agency may also provide developmental and rotational assignments to enhance the Selective Service experience of these officers.

- (3) Education. (RFOs) should be cognizant of parent service requirements for professional military education. Requests for resident education must be made in accordance with parent service regulations and submitted through the staff member in charge of the organization to which the officer is assigned. The Senior Staff member or Region Director will forward the request to the Director with a recommendation for approval or disapproval. The recommendation should be based on factors such as current workload and the effect of the officer's absence on mission accomplishment.
- (4) Physical Fitness, Weight Control, and Physical Examinations. Active duty personnel will comply with all physical fitness and weight control standards established by their parent service and will accomplish all tests and examinations as required. Senior Staff members in charge of organizations to which active duty personnel are assigned and Region Directors are responsible for monitoring adherence to these standards, and certifying compliance by submitting the Height, Weight, and Physical Fitness Certification (sample at Appendix I). Effective July 1, 2010, Air Force members will complete two fitness test semi-annually and airmen must report to Fitness Assessment Center (FAC) to be administered the test by certified trainers.

v. EVALUATION/FITNESS REPORTS

- (1) General. Evaluation/Fitness reports are in accordance with the policies and procedures of the appropriate parent service. Rating officials must be thoroughly familiar with the prescribed rating system, including time periods and schedules for submission, for the officer being rated.
- (2) Designated Rating Officials. The Director is the rater for Region Directors and all military Senior Staff members. Each Region will establish rating chains in accordance with prescribed parent service regulations.

w. WEAR OF UNIFORMS

Unless otherwise prescribed by the Director, wear of the military uniform is determined in accordance with parent service regulations.

x. SECURITY INVESTIGATIONS AND CLEARANCES

Security investigations for everyone are requested by the parent services, to meet the needs of the Agency.

y. DISCIPLINE AND CONDUCT

Military officers, are governed by the Uniform Code of Military Justice, parent service standards, regulations, and procedures on discipline, conduct or issues such as discrimination or sexual harassment.

CHAPTER 900
Appendix A

Reserve Issues	Air Force (AFR)	Army Reserve (AR)	Coast Guard (COMDTINST M1001-27)	Marine Corps (MCO)	Navy (OPNAV) (MILPERSMAN)
Appearance	35-10	670-1	4-C-3	1Q2034E	OPNG 110.1
Assignments	35-41	140-10	CHAPTERS	P 1000.6 P1001R.16	BUP 100139 COMNV 1001.5
Awards	900-48	672-5.1	I-A-3	SECNAV INSTR	BUP 1650.1
Emergency Data	35-38	140-145	11-A	1070.12P	MILP 1S560A
Evaluations (OERs/FitReps)	AFP 36-6	623-105	10-A	1610.7C	BUP 1611.1
IMA Program	PAM 45-22	140-145	I-B-2	P1001R.16	DOD1235.il
Leave	35-9	6030.5	8-8	P 10503	MILP 15560A
Mission	35-34	140-2	I-C-5, 15-C-I	M-PLAN	OPN 5440.74
Physical Fitness	35-11	600-9/ 351-1	14E-7, 3C-14	610031500.44	SECNAV 6100.1 OPN 6100.1
Professional Development	AFP-36-13	DAPAM 600-3	CHAP6	P1500.12 P104031 MCO	NAV 15136 NAV 15642
Promotion	36-11	135-55	Chapter 7	P 140032	MILP15S60A
Records	35-44	135-33	13-B	1070.12P	MILP 15560A
Retirement	35-7	135-80 140-85	12-C	P 1900.16C	MILP 15560A
Separations	35-41	135-175	12-A, 12-B	P 1900.16C	MILP 15560A
SSS Military	PPPM Chapter 900	PPPM Chapter 900 140-145	PPPM Chapter 900	PPPM Chapter 900	COMNAV 1001.5 MILP 15560A SECNAV 1920 1A COMNV 1001.5
Training	35-41 (VO)	135-200	Chapter 15	P1001R.16	COMNV 3502 1A
Uniform*	AFM67-1	670-10	Chapter 21	102034E	NAV 156656
Weight Control	35-11 36-11	600-9 350-15	4-C917C26	6100.10A 1020 34E P 1001R.16	SECNAV 61001 OPN 6110.1

Appendix B
PEACETIME DETACHMENT POSITIONS
FOR
SELECTIVE SERVICE SYSTEM RESERVE FORCE OFFICERS

The following are the general peacetime duties assigned to members of the Detachment. These assignments, along with mobilization readiness duties, should be incorporated into descriptions prepared for evaluation/fitness reports. When appropriate, detachment positions should be rotated periodically to provide cross-training.

1. DETACHMENT COMMANDER

Has overall responsibility for detachment administration, training, and mobilization readiness of detachment members. Reports directly to the Region Director.

2. EXECUTIVE OFFICER

Coordinates activities of detachment members as well as activities in support of Area Office and State Readiness Plans and Registration Improvement Plans, and is responsible for individual and detachment mobilization readiness. Serves as acting commander in absence of Commander.

3. ADMINISTRATIVE OFFICER

Responsible for all detachment administrative functions, publication of detachment orders, and publication of special orders for equivalent training or split unit training assemblies. Prepares and dispatches attendance reports and after action reports following each training assembly, and ensures that all parent service attendance forms are completed and submitted. Maintains detachment correspondence and administrative files. With individual detachment members, periodically reviews personnel data maintained in the Reserve Forces Automated Personnel System (RFAPS) to ensure currency and accuracy, and submits changes or updates as required.

4. TRAINING OFFICER

Responsible for planning, coordination, implementation of all detachment training activities. Prepares training schedules in accordance with Headquarters guidance. Ensures proper development and maintenance of training materials. Ensures that training reports are submitted to Region Headquarters in a timely manner. Organizes and administers individual officer training programs, and ensures that all training necessary for mobilization readiness is accomplished.

5. **ASSISTANT TRAINING OFFICER**

Assists the training officer in planning, coordinating, and supervising detachment training activities. Assists in preparation of training schedules and reports.

6. **DOCUMENTS CONTROL OFFICER**

Organizes and maintains Detachment Library of Selective Service System and military regulations, manuals, references, and training aids. Ensures that all materials are current and correctly updated and requisitions supplements and replacements when needed.

7. **PROPERTY OFFICER**

Responsible for the requisition, receipt, accountability, and issuance of all properties authorized and allocated to the detachment. Conducts audits and inventories and prepares reports as required. Responsible for property security.

8. **DETACHMENT MEMBER**

Responsible for establishing guidance for board member training within their area office locations as an Area Office Coordinator. They will ensure completion of mobilization training and administrative missions or other duties assigned.

Appendix C

SSS Form 479 will be printed
After approval by the Agency Forms Committee
and the Director. This form may not be
used until issued officially.

**SELECTIVE SERVICE SYSTEM
REQUEST FOR MILITARY PERSONNEL (PPPM)**

1	Name (Last, First, MI)	Pay Grade	Service
	Mailing Address		
2	REQUEST FOR: ANNUAL TRAINING ACTIVE DUTY FOR TRAINING SPECIAL TOUR For days beginning on one of the following dates: <div style="display: flex; justify-content: space-between;"> (date/time) (date/time) (date/time) </div> Use Block A (reverse) for details (location, purpose, itinerary, mode for travel, etc.) Complete certifications in Block B as appropriate.		
3	REQUEST FOR ASSIGNMENT _____ NATIONAL GUARD. Attach assignment order; Biographical Record; full-length photo in uniform; and, Selective Service Reserve Agreement. _____ RESERVE Attach Biographical Record; full-length photo in uniform; Selective Service Reserve Agreement; Statement of Understanding; Authority for Release of Information; copies of efficiency/fitness reports for the past three years (if available); and, a copy of a current physical examination, if available. Complete certifications in Block B as appropriate. First interviewer comments Block C, second interviewer comments Block D.		
4	REQUEST FOR TRANSFER/SEPARATION TRANSFER within Selective Service	effective effective transfers require gaining Region concurrence.	
5	FROM: (Person requesting action) Signature/date	TO: Reserve Forces Commander Detachment/State (Use Block C for comment)	
6	FROM: (Reserve Forces Commander) Approved Disapproved Signature/date	TO/FROM: Region , Director (Losing) Approved Disapproved Signature/date	
7	TO/FROM: Region Director (Gaining) Approved Disapproved (Use Block D for comment) Signature/date	TO: National Headquarters Selective Service System ATTN: Military Personnel	

PRIVACY ACT NOTICE

Authority for requesting this information is Section 10 of the Military Selective Service Act (50 U.S.C. App. 460). Disclosure by you is voluntary. The information will be used to accomplish military personnel actions related to your Selective Service assignment. Routine use may include disclosure to your Service component. Failure to provide the information may eliminate consideration of your request.

I hereby certify that I meet weight and physical fitness standards established by my parent service. I have completed requisite tests and examinations. I meet security clearance requirements of my parent service.

(Signature/date)

I hereby certify that physical fitness standards established by his/her meets weight and parent service, and that he/she completed requisite tests and examinations. Height/Weight.

(signature/date)

OFFICER BIO - - Data Entry Form

For Region Headquarters Use:										1	Position Number:		
Dtch Code:		Dtch State:			MOB Assign:			MOB Office Code:					
Post-MOB Assign:			State:			PMOB Off Code:							
New RFOs Complete the Following in Detail:								SSAN:		1			
Name: (last, first, middle, suffix)					Rank:		Grade:		Branch of Service and MOS/AFSC/DES				
Home Address:													
City:					State:			Zip:		County:			
Home Phone Number:							Date of Birth:						
Work Address:													
City:					State:		Zip:			Work Phone:			
Employer:					Occupation:								
Work Description:					Other work:								
Volunteer Experience:													
Sex:	Race:(circle one) B W AI AP PI		Hispanic: yes no		Family Status: (Circle One)				No. of Dependents				
Spouse SSAN:					Spouse Name:			Spouse Occupation:					
Date of Rank:					Commission Date:			Pay Entry Base Date:					
Tot.Yrs.Active Duty:			Tot.Vrs.Reserve:			Mandatory Removal Date:							
Total Creditable Trs. Service for Retirement:					Retirement Year Ending Date:								
Security Clearance Level: (Circle One) P C S TS					Clearance Date:								
Agency Completing Investigation:					Investigation Type:			Date Completed;					
Last OER/OPR Date:			PFT Test: Pass Fail		PFT Date:			Hgt:		Wgt:		Pass Fail	
OFFICER BIO - Data Entry Form													
Civilian Education (Host Recent First):													
School					Degree								
Dates Completed													

Professional Military Education:			
Location		School	
Dates Completed			
Military Assignments:			
Active /Reserve	Unit and Location	Duty	
Inclusive Dates			
Military Awards Received:			
Dates Awarded			
Outside Activities			
hobbies:			
affiliations:			
sports:			
other skills:			

Signature: _____

Date: _____

**CHAPTER 900
APPENDIX E**

**TO BE TYPED ON REGION LETTERHEAD
(To (Be Prepared in 10 Pitch)**

AUTHORITY FOR RELEASE OF INFORMATION

I hereby authorize duly appointed officials of the Selective Service System to have access to my Military Personnel Records, including Evaluation or Navy Fitness Reports, and to be furnished copies of any of these records when requested. I understand that this information will be used for the purpose of determining my eligibility and suitability for assignment to the Selective Service Reserve Force.

This Authorization is executed with full knowledge and understanding that the information is for the official use of the Selective Service System. I understand that the information will be safeguarded against unauthorized disclosure to any agency or individual not having a legitimate need for it in the proper discharge of official business of the United States Government.

Signature of Applicant

Printed Grade and

Name

Region

Street Address, City, State, ZIP Code

**CHAPTER 900
APPENDIX F**

Date

RESERVE FORCES AGREEMENT

I certify that as a member of the Selective Service Reserve Forces I am, and agree to remain, immediately available, in accordance with the law, for active duty at the call of the Director of Selective Service and the military services.

I further certify that I understand I will not be released from this agreement upon my own application unless all four of the following conditions have been met.

1. There has been a substantial change in my status or circumstances.
2. I requested, prior to the date of an alert, or notice of mobilization, or the date of orders to active duty, either:
 - a. Reassignment to another reserve billet outside the SSS;
 - b. Transfer to the Inactive Ready Reserve;
 - c. Transfer to the Retired Reserve; or
 - d. Discharge from the military service of which I am a member.
3. I immediately notified the Director of Selective Service of a change in my status or circumstances which adversely affected my availability for active duty.
4. My request for release has been approved by the Selective Service System.

Signature of Applicant

Grade/Full Name/Service/

Witness:

Signature of Selective Service Representative

**CHAPTER 900
APPENDIX G**

**TO BE TYPED ON REGION LETTERHEAD
(To Be Prepared in 10 Pitch)**

Date

STATEMENT OF UNDERSTANDING

I certify that I have had the requirements of the Selective Service Reserve Force Program concerning assignment, advancement, retention, education and training explained to me and that I understand these requirements.

I understand that I will be assigned to a pay status position, and will be compensated for both Inactive Duty for Training and Annual Training.

Signature of Applicant

Grade and Name

Signature of Selective Service
Representative

APPENDIX H

SELECTIVE SERVICE SYSTEM MILITARY AWARDS PROGRAM

1. GENERAL

- a. The judicious use of decorations and awards provides incentive to greater effort; builds morale and, encourages esprit de corps. Awards are for the purpose of recognizing and rewarding extraordinary, exceptional or conspicuously outstanding service which is above and beyond that ordinarily expected and which distinguishes the individual among those performing similar services. These acts or services must be of such importance that they cannot be appropriately recognized in any other way.
- b. As a general rule, only one award of a military decoration will be made for the same act, achievement, or period of meritorious service. However, if an individual is cited for a specific meritorious achievement within a longer period which is later recognized by an award for meritorious service, this circumstance is not considered a duplication of recognition and the individual may be entitled to the second award. Nevertheless, the act or service occurring within the shorter period may not be used as justification for the other award, nor may it be mentioned in the other citation. Example: A Reserve Force Officer is awarded a Meritorious Service Award (Bronze Medal) for outstanding achievement for training Board Members in an Area Office in addition to his/her Area Office in April/May 2003. Later, the individual receives the Exceptional Service Award (Silver Medal) for outstanding performance as Detachment Executive Officer and sustained outstanding performance of duties as Area Office Manager for the period of June 2002 through June 2007. The award of the Bronze Medal will not be mentioned in the citation for the Silver Medal, in order to maintain separation. The two actions are distinct, and therefore no duplication of recognition exists.

2. AWARDS AND DECORATIONS

Department of Defense (DoD), Joint Service, parent service, and SSS awards may be used to recognize individual accomplishments of military personnel (Guard and Reserve) assigned or attached to the SSS. Awards may be based on achievement or service.

3. SELECTIVE SERVICE SYSTEM AWARDS

SSS awards are Distinguished Service Award (Gold Medal), Exceptional Service Award (Silver Medal) and Meritorious Service Award (Bronze Medal). The awards may be presented for service, retirement or achievement, subject to the following guidelines.

(1) **Distinguished Service Award (Gold Medal)**

This is the highest award of the Agency. It is awarded by the Director of Selective Service on a highly selective basis. Performance or contributions must have been of such major significance or so meritorious as to warrant specific recognition beyond that normally granted for outstanding contributions. If a Region Director intends to submit a nomination for this award, it is normally discussed in advance with the Director.

(2) **Exceptional Service Award (Silver Medal)**

It is awarded by the Director of Selective Service to officers who have distinguished themselves through exceptional service or contributions of major importance to mission responsibilities, such as:

- (a) Accomplishment of assigned duties in such a manner as to have been clearly exceptional among all who have performed like or similar duties.
- (b) Exceptional service to the Agency over an extended period of time.
- (c) Sustained exceptional performance as Detachment Commander or in one or more active duty assignments over an extended period of time.
- (d) Rendering of other exceptional performance deemed by the Director to warrant high recognition.

This award has traditionally been recognized as the appropriate service or retirement award for senior officers and seasoned commanders. It is more often equated with service and sustained performance than a singular achievement. If presented for achievement, the act must have been clearly exceptional and equally challenging.

(3) **Meritorious Service Award (Bronze Medal)**

This award is given as honorary recognition for service and is awarded by Region Directors to RFOs in their region. It is awarded by the Director of Selective Service for any active duty personnel and RFOs assigned to NHQ. It is the appropriate award for RFOs or military personnel on active duty who have distinguished themselves through meritorious service or achievement of major significance, such as:

- (a) Performance of duties in an exemplary manner over a period of time, generally recognized as one to two years. Such performance should have established a record of individual achievement, thus inspiring others to improve their quality and quantity of work performance.
- (b) Meritorious achievement in performance of assigned mobilization duties, such as:

Area Office Supervisor

- (a) Maintaining high levels or percentages of Board Members or Area Office Augmentees trained.
- (b) Effective management of Local Boards, to include maintaining a full complement of board members and outstanding recruiting or replacement efforts.
- (c) Sustained meritorious performance during mobilization or readiness exercises. State/Region Headquarters Support Officers.
- (d) Maintaining high levels or percentages of District Appeal Board Member training.
- (e) STARC Recruiting and Retention Office coordination. Sustained meritorious performance during mobilization or readiness exercises.

Reserve Force Officer Assignments

- (a) Sustained meritorious performance in Region or National Headquarters.
- (b) Effective management of a substantive project of significant duration. This award has traditionally been utilized to recognize officers' performance or achievement, regardless of rank. It is also appropriate for recognition of service, except that length of service is shorter than the previously identified awards.
- (4) Agency awards are appropriate for presentation to all military personnel, regardless of rank. There are no limiting time or length of service requirements, only suggested guidelines. Each officer's performance or service record stands on its own and is judged for recognition on the merits of performance above and beyond that normally achieved. All nominations are prepared and submitted in accordance with guidelines in this chapter.

a. DEPARTMENT OF DEFENSE AWARDS

General Criteria. DoD regulations provide that Decorations and Awards may be awarded to Individual Mobilization Augmentees (IMAs), and Army National Guard Officers on extended active duty on a case by case basis, who are assigned to a joint organization or activity and who perform exclusively joint duties. To be eligible for individual Defense decorations, an individual must normally serve for a minimum of 90 days. For IMA's, this 90-day period may be fulfilled through active or inactive duty training, provided the individual's service is performed while training, provided the individual's service is performed while assigned to a joint

organization or activity and the duties are exclusively joint in nature and scope. To fulfill this requirement, SSS IMA's would normally serve two years before being eligible for a joint service or DoD award. Also, IMA's and officers retain eligibility for impact awards from their parent service- Exceptions can be addressed on an individual case basis.

Defense Distinguished Service Medal (DDSM).

Awarded by the Secretary of Defense to officers of the Armed Forces of the United States whose exceptional performance of duty and contributions to national security or defense have been at the highest levels. Such officers have direct and ultimate responsibility for a major activity or program that significantly influences the policies of the U. S. Government. Normally, such broad responsibilities shall be held by only the most senior officers whose duties bring them into direct and frequent contact with the Secretary of Defense and other senior officials within the Government. Examples of such positions are the CJCS; Chiefs and Vice Chiefs of the Military Services, including the Commandant and the Assistant Commandant of the Marine Corps; and Commanders and Vice Commanders of the Unified and Specified Commands. The Defense Distinguished Service Medal also may be awarded to other senior officers who serve in positions of great responsibility, or to an officer whose direct and individual contributions to national security or defense are recognized as being so exceptional in scope and value as to be equivalent to contributions normally associated with positions encompassing broader responsibilities.

Defense Superior Service Medal (DSSM). Awarded by the Secretary of Defense to members of the Armed Forces of the United States who, after February 6, 1976, rendered superior meritorious service in a position of significant responsibility.

Defense Meritorious Service Medal (DMSM). Awarded by the Secretary of Defense to members of the Armed Forces of the United States who, after November 3, 1977, distinguished themselves by noncombat meritorious achievement or service.

Joint Service Commendation Medal (JSCM). Awarded in the name of the Secretary of Defense by the Director of the Selective Service System to members of the Armed Forces of the United States who, after January 1, 1963, distinguished themselves by meritorious achievement or service.

Joint Service Achievement Medal (JSAM). Awarded in the name of the Secretary of Defense by the Director of the Selective Service System to members of the Armed Forces of the United States below the grade of O-6 who, after August 3, 1983, distinguished themselves by outstanding performance of duty and meritorious achievement.

b. **PARENT SERVICE AWARDS**

Following is a summary of requirements for awards common in peacetime. Refer to the specific parent service regulation for more information (see Appendix A).

- (1) **Distinguished Service Medal (DSM).** Awarded by the parent service to any service member who, while serving in any capacity of the Armed Forces of the United States, distinguish themselves by exceptionally meritorious service to the Government in a duty of great responsibility.
- (2) **Legion of Merit (LOM).** Awarded to any member of the Armed Forces of the United States who distinguishes himself or herself by exceptionally meritorious conduct in the performance of outstanding services and achievements. The performance must merit recognition of service rendered in a clearly exceptional manner. Performance of duties normal to the grade, specialty or assignment, and experience of an individual is not an adequate basis for this award.
- (3) **Meritorious Service Medal (MSM).** Awarded to members of the Armed Forces of the United States who distinguish themselves by outstanding noncombat meritorious achievement or service to the United States. Normally, the acts or services rendered must be comparable to that required for the Legion of Merit but in a duty of lesser though considerable responsibility.
- (4) **Army/Navy/Air Force/Coast Guard Commendation Medal.**

See applicable parent service regulations (reference at Appendix A) for requirements.
- (5) **Army/Navy/Air Force/Coast Guard Achievement Medal.**

See applicable parent service regulations (reference at Appendix A) for requirements.

(2) **AWARDS PROCEDURES**

a. **CHOICE OF AWARD**

It is the decision of the person recommending the award to choose the appropriate award. The recommending official should consider the act or service being proposed for recognition and should choose an award which conforms to normally accepted practices of the Officer's parent service. If the accomplishment or achievement is especially significant, the recommending official should consider a parent service award and pursue the recommendation with the parent service.

b. **SSS AWARDS**

Recommendation for award of the SSS Meritorious, Exceptional and Distinguished Service awards other than those which the Region Directors can approve are submitted to SPT/HR in the format shown in Attachment 1. The Director is the approving authority for these awards, except for the SSS Meritorious Service Award discussed in 2.(a) above.

c. **JOINT SERVICE AWARDS**

Recommendations for award of the JSCM and JSAM are submitted to SPT/HR in the format shown in Attachment 2. The Director is the approving authority for this award.

d. **DOD AND PARENT SERVICE AWARDS**

Recommendations for awards that must be forwarded to DoD or parent services will be prepared in the format required in the applicable parent service or DoD procedure and forwarded to SPT/HR. Only the Director signs as recommending official or endorser on all award recommendations to DoD or parent services. Requests that do not meet DoD or parent service requirements will be returned to the originator for additional justification or corrections as required.

3. **DOCUMENTATION**

Joint Service and SSS awards issued by the Director are announced by Headquarters Order, prepared on Agency letterhead stationary by SPT/HR, and signed by the Director. Award orders are numbered sequentially, by SPT/HR, in each calendar year as shown in Attachments 3 and 4. The SSS Meritorious Service Award issued by Region Directors is announced by Region Headquarters Order as shown in Attachment 5.

4. **MANNER OF WEAR**

a. **GENERAL**

RFOs are entitled to wear all authorized decorations on their appropriate service uniform. Order of precedence will be in accordance with applicable parent service uniform regulations.

b. **PLACEMENT ON UNIFORMS**

The three SSS awards are U.S. non-military decorations and are authorized by each parent service for wear on the uniform. SSS awards are worn immediately "below" the lowest ranking DoD or military decoration awarded to the individual, or "below" the Purple Heart if awarded. They are worn "above" the Good Conduct Medal and all U.S. service medals and service ribbons. Individuals authorized to wear more than one U.S. non-military decoration will wear them in order of the date of acceptance. Two or more SSS medals will be worn with the highest medal taking priority regardless of date of award.

APPENDIX H
Attachment 1
REGION HEADQUARTERS
LETTERHEAD
(To Be Prepared in 12 Pitch Arial)

Date

MEMORANDUM FOR THE DIRECTOR

from: Region Director's Name
 Region Director, Region X

SUBJECT: Selective Service System Meritorious, Exceptional or Distinguished Service Award.

Under the provisions of PPPM Chapter 900, I recommend the following individual be awarded the Selective Service System.

- a. Recipient
- b. Selective Service System
- c. Home Address
- d. Detachment Number City, State, Zip Code
- e. Date of Award Period - Month XX, 19XX - Month XX, 19XX
- f. This line always reads Service
- g. No other awards.
- h. List previous awards/date-(i.e., Joint Service Commendation Medal 2005)
- I. Promotion Board Year
- j. Height/Weight Data
- k. Yes or No for body fat standard for parent services HT/WT.

A justification is provided at Attachment 1 and a proposed citation for the service member records.

Citation at Attachment 2.

Attachments

Approved _____ *

Disapproved * _____ *

Date _____ *

*Note: This area is for Director's use ONLY.

APPENDIX H
Attachment 2

REGION HEADQUARTERS LETTERHEAD
(TO BE PREPARED ARIAL 12 PITCH)

Date

MEMORANDUM FOR THE DIRECTOR

FROM: Region Director's Name
 Region Director, Region X

SUBJECT: Joint Service Commendation or Achievement Medal

Under the provisions of DoD Directive 1348.33-M, I recommend the following individual be awarded the Joint Service Commendation or Achievement Medal:

- a Recipient's Name
 Recipient's Social Security Number (SSAN)
- b Selective Service System
 Detachment Number City,
 State, ZIP Code
- c Home Address
 City, State, ZIP Code
- d Recipient's Rank/Grade, Parent service
 Recipient's Title
- e Date of Commendation (Month XX, 19XX - Month XX,
 19XX)
- f Service or Achievement
- g No other award for this individual for this action is pending and no previous award
 has been made for those services described herein or a recommendation for the
 award is pending.
- h. List previous awards/date
 (i.e., Joint Service Commendation Medal SSS MSM - 19XX)

A justification is provided at Attachment 1 and a proposed citation at Attachment 2.

citation at Attachment 2.

Attachments

Approved _____ *

Disapproved _____ *

Date _____ *

*Note: This area is for Director's use ONLY.

ON PLAIN BOND
(To Be Prepared in 12 Pitch Arial)

Attachment 1 to SSS award request

JUSTIFICATION FOR

SELECTIVE SERVICE SYSTEM MERITORIOUS, EXCEPTIONAL DISTINGUISHED
SERVICE) AWARD RECIPIENT'S NAME AND RANK (in all CAPS)

Lieutenant Colonel John K. Doe, XXX-XX-XXXX, Parent Service

DOUBLE SPACED TEXT OF JUSTIFICATION)

ON PLAIN BOND
(To Be Prepared in 12 Pitch Arial)

Attachment 2 to SSS
JSCMor JSAM CITATION

(CITATION DOUBLE SPACED TEXT)

Lieutenant Colonel John K. Doe, Parent Service, distinguished himself by meritorious service from Month XX, 19XX through Month XX, 19XX (keep month, date, year together). Summarize accomplishments. Colonel Doe (rank/grade and name must appear on the same line) has reflected great credit upon himself, the Parent Service, the Selective Service System and the Department of Defense.

APPENDIX H
Attachment 3

NATIONAL HEADQUARTERS - HEADQUARTERS ORDER
LETTERHEAD

(To Be Prepared in 12 Pitch Arial)

HEADQAURTERS ORDER FOR ANNOUCEMENT
OF JOINT SERVICE COMMENDATION MEDAL (JCSM)
OR JOINT SERVICE ACHIEVEMENT MEDAL (JSAM)

DATE: RESPONSIBLE OFFICE: RMH

NUMBER: National Headquarters 9X-XX

SUBJECT: Announcement of Award of the Joint Service Commendation or Joint Service
Achievement Medal

Under the provisions of Department of Defense Directive
1348.33-M, the Joint Service Commendation is awarded to the
following individual

lieutenant colonel John K. Doe, Parent service, SSAN, (Month, Day, Year) through (Month
Day, year);.

Director

APPENDIX H
Attachment 4

NATIONAL HEADQUARTERS ORDER

LETTERHEAD
(To be Prepared in 12 Pitch)

SSS DISTINGUISHED SERVICE AWARD (GOLD MEDAL)

OR

**SSS EXCEPTIONAL SILVER MEDAL OR SSS MERITORIOUS SERVICE
BRONZE MEDAL**

DATE: **RESPONSIBLE OFFICE: RMH**

NUMBER: National Headquarters 9X-XX Announcement of an SSS
Meritorious Award

SUBJECT: Selective Service Award

PURPOSE: The purpose of this Headquarters Order is to announce a Selective
Service System Award.

AWARD: Under the provisions of Chapter 900 of the Selective Service Personnel
Policies and Procedures Manual, the Selective Service Award has been issued to
following individual.

Lieutenant Colonel John K. Doe, Parent Service, Title, SSAN, for
performance of exceptional service from (Month, Day, Year.)

Director

APPENDIX H
Attachment 5

REGION HEADQUARTERS LETTERHEAD
(To be Prepared 12 Arial)

Date

MEMORANDUM FOR THE MANAGER OF HUMAN RESOURCES

FROM: Region Director's Name
 Region Director, Region X

SUBJECT: Meritorious Service Award (Bronze Medal)

Attached are the justification and citation for award of the Meritorious Service Award to name of recipient.

Region Headquarters Order XX-XX announcing this award is also attached, together with the justification and citation.

Please process a certificate for this award.

RX:XXX:XXX
Attachments

APPENDIX H
Attachment 6

ON PLAIN BOND

(To be Prepared in Arial 12 Pitch)

Attachment 1 to request
for certificate for SSS
MSM

JUSTIFICATION

FOR

SSS MERITORIOUS SERVICE AWARD

RECIPIENT'S NAME AND RANK, SSN, AND PARENT SERVICE

(IN ALL CAPS) LIEUTENANT COLONEL JOHN K. DOE, XXX-XX-XXXX, PARENT SERVICE,

{DOUBLE SPACED TEX OF JUSTIFICATION}.

APPENDIX H
Attachment 7

ON PLAIN BOND

(To be Prepared in Arial 12 Pitch)

Attachment 1 to request for
certificate for SSS MSM

CITATION

RECIPIENT'S NAME AND RANK, SSN, AND PARENT SERVICE (IN ALL CAPS) LIEUTENANT COLONEL JOHN K. DOE, XXX-XX-XXXX, PARENT SERVICE, {DOUBLE SPACED TEX OF JUSTIFICATION}. DISTINGUISHED HIMSELF BY MERITORIOUS SERVICE FROM MONTH XX, 19XX THROUGH MONTH XX, 20XX, (KEEP MONTH, DATE, AND YEAR TOGETHER). SUMMARIZE ACCOMPLISHMENTS. LIEUTENANT COLONEL DOE (RANK/GRADE AND NAME MUST APPEAR ON THE SAME LINE) HAS REFLECTED GREAT CREDIT UPON HIMSELF, THE PARENT SERVICE, AND THE SELECTIVE SERVICE SYSTEM (LIST RECIPIENT, PARENT SERVICE AND SSS IN THIS ORDER).

APPENDIX H
Attachment 8

Attachment 3 to request
for certificate for SSS
MSM

REGION HEADQUARTERS - HEADQUARTERS ORDER

LETTERHEAD

(To Be Prepared in 12 Pitch Arial)

REGION HEADQUARTERS ORDER FOR ANNOUNCEMENT
OF SSS MERITORIOUS SERVICE AWARD

DATE: Month XX, 19XX

RESPONSIBLE OFFICE: RXX

NUMBER: Region Headquarters 9X-XX

SUBJECT: Announcement of a Selective Service Award

Under the provisions of Chapter 900 of the Selective Service Personnel Policies and Procedures Manual, the Selective Service Meritorious Service Award with Bronze Medal is made to the following individual:

Lieutenant Colonel John K. Doe, Parent Service, SSAN, (Month Day, Year)
through {Month, Day, year}.

Regional Director's
Signature Block

CHAPTER 900 APPENDIX I

SELECTIVE SERVICE SYSTEM
Height, Weight/ and Physical Fitness
(% Body Fat if required)
Certification

Rater Please Complete One

_____ meets
weight and fitness standards in accordance with parent service
regulations.

_____ does not
meet weight standards but does meet physical fitness standards in
accordance with parent service regulations. Officer has been in a
weight control program since _____
and has gone from pounds to pounds.

_____ does
meet weight standards but does not meet physical fitness
standards in accordance with parent service regulations.

_____ does
not meet weight standards nor physical fitness standards in
accordance with parent service regulations. Officer has been in a
weight control program since and has gone from
pounds to pounds.

Date

Rater

I certify above information is correct.

Date

Region Director

COMPLETE AND ATTACH TO EACH OFFICER PERFORMANCE/FITNESS REPORT
(TO BE RETAINED IN RMH FILES)

**CHAPTER 900
APPENDIX J**

SAMPLE RFO MOBILIZATION LETTER

[MONTH, DAY, YEAR}

{ GRADE/OTLL NAME, SERVICE, SSAN
[MAILING ADDRESS] [HAILING CITY, STATE,
ZIP CODE]

Dtch State - {ST}

Dtch Code - [NR}

Mobilization Location: [STREET ADDRESS] [CITY, STATE, ZIP CODE]

Duty Position: [MOB DUTY TITLE)

This letter advises you of your mobilization location and duty position in the event of mobilization of the Selective Service System. Advance mobilization orders, if published by your parent service, will be issued in consonance with this assignment. A new letter will be provided you annually or in the event of a change to your mobilization location or duty position.

You are required to sign and date the attached agreement, and return the signed copy to Regional Headquarters. By so doing, you agree to remain immediately available for active duty at the call of the Director of Selective Service and your parent service.

You are required to report to your mobilization location within 24 hours upon notification of the lawful declaration of a national emergency. Travel by POV, military carrier or commercial rail, bus, or for travel over 300 miles, air is authorized and certified essential. Travel at your own expense is subject to reimbursement as authorized by law. You must bring all serviceable uniforms in your possession. Transportation of dependents and household goods is not authorized. You should leave a copy of this letter with your dependents. Upon reporting to your mobilization location, you are to notify your parent service and your next higher Selective Service echelon by the most expeditious means that you have reported. If a discrepancy exists between this letter and orders issued by your parent service, you are to notify your State or Region Headquarters immediately.

{SIGNATURE} ELEMENT
[GRADE, SERVICE] [REGION
DIRECTOR

CERTIFICATION OF RESERVE FORCES
AVAILABILITY AGREEMENT

I certify that, as a member of the Selective Service System's Reserve Forces, I agree to remain immediately available for active duty at the call of the Director of Selective Service and my Military Service in accordance with the provisions of Section 10, Military Selective Service Act (50 U.S.C. App. 460) for the duration of my assignment/attachment to the Selective Service System.

I have read and understand the applicable provisions of Chapter 900, Selective Service System Personnel Policies and Procedures Manual, and Section E., Department of Defense Directive Number 1235.11, Management of Individual Mobilization Augmentees, regarding readiness and mobilization of Reserve Forces Officers.

I understand that I must immediately notify the Director of Selective Service through my Region Headquarters of any changes in my status or circumstances which might preclude my availability for active duty.

Signature of Officer/Date Certificate Signed

Grade/Full Name/Service/SSAN of Officer

Witness: _____
Detachment Commander / Region Director

CHAPTER 900 APPENDIX K

IMA MOBILIZATION READINESS QUESTIONS

The following questions have been extracted from various parent service IMA mobilization documents and identify actions RFOs must address in advance of mobilization. Refer to the Mobilization Plan for your office for Selective Service mobilization actions.

1. Do you have the following documents?
 - a. Selective Service System Mobilization Assignment Letter.
 - b. DD Form 2, (Res) Identification Card.
 - c. Certified copy of marriage certificate.
 - d. Certified copies of birth certificate, for yourself and dependents.
 - e. Certified copies of court orders or decrees pertaining to dependents.
 - f. Immunization Record, Public Health Service Form 731.
 - g. SF 46, U.S. Government Motor Vehicle Operator's License, or valid state motor vehicle operator's license.
 - h. DD Form 1543 Annual Legal Checkup.
2. Is your DD Form 93, "Record of Emergency Data," up-to-date?
3. Does your parent service have your current address and home/business telephone numbers?
4. Do you have the money, or a U.S. Government Travel Card, to cover the cost of travel to your duty station and other expenses for 30 days when mobilized?
5. Have you made arrangements for the financial well-being of your dependents following mobilization?
6. Have you prepared a will? Does your spouse, attorney, or executor/executrix know the location of and have access to your will?

**CHAPTER 900
APPENDIX K**

7. Did you complete a general/specific power of attorney?
8. Is your spouse or family members familiar with the provisions of your insurance policies, and do they know where they are located?
9. Have you initiated action to ensure payment of applicable child support and alimony?
10. Does your spouse, executor/executrix have access to your safe-deposit box?
11. Do you have a copy of your health record to include a record of past illnesses or injuries not recorded in your military medical records?
12. Is your physical examination current?
13. Have you pre-enrolled your dependents into the Defense Enrollment Eligibility Reporting System (DEERS)?
14. Is your official photograph current?



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and **RESPONSIBLE OFFICE:** OD/HR
PROCEDURES MANUAL (PPPM)

DATE: April 14, 2016

NUMBER: 79

This Change Notice transmits modifications to Personnel Policies & Procedures Manual, Chapter 790 – Work-Life Program. The following amendments are made:

REMOVE

INSERT

1. Entire Chapter 790 dated September 2005 Chapter 790 dated April, 2016
2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner

A handwritten signature in black ink, appearing to read 'Lawrence G. Romo'.

Lawrence G. Romo
Director

Distribution: 1-7, 30

PERSONNEL POLICES AND PROCEDURES MANUAL (PPPM)

CHAPTER 790

WORK-LIFE PROGRAMS

1.	PURPOSE	790-1
2.	AUTHORITY	790-1
3.	GUIDANCE	790-1
4.	RESPONSIBILITIES	790-2
	A. Human Resources Officer (HRO)	790-2
	B. Logistics Manager	790-2
	C. Regions	790-2
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	E. Employees	790-3
5.	OPERATING PROCEDURES	790-3
	A. Employee Assistance Program (EAP)	790-3
	B. Health Assessment Monitoring Services	790-3
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	D. Reasonable Accommodations	790-4
	E. Computer/Electronic Accommodation (CAP) Program	790-5
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6.	TIMEKEEPING AND RECORDKEEPING	790-10
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APPENDIX

A – SSS Form 748, SSS Civilian Fitness Wellness Program Agreement	790-A-1
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PERSONNEL POLICES AND PROCEDURES MANUAL

CHAPTER 790

WORK-LIFE PROGRAMS

1. **PURPOSE**

This Chapter establishes the policies and procedures for administering work-life programs within the Selective Service System (SSS).

2. **AUTHORITY**

Presidential Memorandum, Enhancing Workplace Flexibilities and Work-Life Program of June 23, 2014, encourages Federal agencies to "promote a culture in which managers and employees understand the workplace flexibilities and work-life programs available to them." Title 5 U.S.C. 7901, Health Service Programs, allows the head of each agency to establish, within funding limits, a health service program to promote and maintain the physical and mental fitness of employees. Executive Order 1326, Activities to Promote Personal Fitness dated June 20, 2002, provides that "while personal fitness is an individual responsibility, the Federal Government may, within the authority and funds available, expand the opportunities for individuals to empower themselves to improve their general health. Such opportunities may include improving the flow of information about personal fitness, assisting in the utilization of that information, increasing the accessibility of resources for physical activity, and reducing barriers to achieving good personal fitness."

3. **GUIDANCE**

- A. Office of Personnel Management (OPM) defines work-life as the business practice of creating a flexible, supportive environment to engage employees and maximize organizational performance. Key work-life programs offered to Federal employees include worksite health and wellness, Employee Assistance Programs, workplace flexibilities, telework, and dependent care. When implemented using today's best practices, work-life programs provide significant benefits to agencies, employees, and our communities. More information is available on the OPM Work-Life website: www.opm.gov/policy-data-oversight/worklife/.
- B. This Chapter provides guidance and policy for the following SSS health service programs:
 - (1) Employee Assistance Program (EAP)
 - (2) Health Assessment and Monitoring Services

- (3) Preventive Health Care Program
 - (4) Reasonable Accommodations (RA)
 - (5) Computer/Electronic Accommodation Program (CAP)
 - (6) Civilian Fitness/Wellness Program
 - (7) Smoking Cessation Program
 - (8) SSS Smoking Policy
 - (9) HIV/AIDS in the Workplace
 - (10) Nursing Mothers
- C. Refer to PPPM Chapters 610, Hours of Duty, and 630, Absence and Leave, for work schedule and leave flexibilities.

4. RESPONSIBILITIES

- A. Human Resources Officer (HRO). The HRO, under Chief of Staff (CoS) direction, has overall responsibility for managing SSS work-life programs. The HRO is responsible for identifying and maintaining a list of participating employees, coordinating with providers of health and fitness support programs, and developing and disseminating program news, information and guidance. The HRO coordinates with the Regions and DMC to ensure Agency-wide access to the programs.
- B. Logistics Manager. The Logistics Manager is responsible for administering contracts with providers of health and fitness support programs. The Logistics Manager will coordinate with the HRO, Regions and DMC to ensure Agency-wide access to the programs. The Logistics Manager will also coordinate dissemination of workplace safety issues across the Agency.
- C. Regions. Region Directors are responsible for implementing and administering health and fitness programs within the regions and coordinating new program development and improvements to existing programs with the HRO. Regions may coordinate with local providers of health and fitness services, as authorized. The Regions will provide participation data to the HRO, as requested.
- D. Supervisors. Supervisors are responsible for the successful utilization of SSS sponsored health and fitness programs by employees. In addition to traditional supervisory work activities, supervisors must be aware of the benefits provided by health and fitness programs to the individual, as well as the Agency, and communicate availability of services to employees.

- E. Employees. Employees should be aware of the health and fitness related programs available and avail themselves of the services, as needed.

5. OPERATING PROCEDURE

- A. Employee Assistance Program (EAP). The following procedures are utilized for the EAP:
 - (1) The HRO coordinates the EAP program which provides a variety of individual counseling services, ranging from relationship issues to stress management.
 - (2) Employees may contact the Agency's contracted EAP counselors at any time without Agency referral.
 - (a) COPE, Inc. is the SSS EAP provider. Regular business hours are 8:30 a.m. to 5:30 p.m., Monday through Friday; however, lines are open 24 hours a day, seven days a week. Contact COPE at (202) 628-5100 or toll-free (800) 247-3054; email eap@cope-inc.com, or peruse the web site: www.cope-inc.com for helpful information. In case of an emergency, dial 911.
 - (b) EAP services are subject to rules and regulations that ensure confidentiality, as practicable. The counselor will explain legal limits, but in general, discussions between employees and counselors remain private.
 - (c) If an employee is referred to EAP by a manager or supervisor, the counselor may ask for permission to speak with the supervisor about work-related issues. The nature of any personal problems will not be discussed without the employee's specific permission.
 - (3) Employees may contact the servicing HR specialist to obtain additional information about EAP services, pamphlets, etc.
- B. Health Assessment and Monitoring Services. The following procedures are utilized for health assessment and monitoring services:
 - (1) The HRO coordinates the health assessment and monitoring program that provides a variety of individual services, ranging from coordinating annual flu shots to medical monitoring services. The HRO will distribute information about available services and coordinate the development of additional services, as necessary.
 - (2) Employees may contact the servicing HR specialist to obtain additional information about available services.

C. Preventive Health Care Program. The following procedures are utilized for the Preventive Health Care Program:

- (1) The HRO coordinates this program that provides excused absences for employees to attend preventive health care screenings.
- (2) Employees are allowed 4 hours of excused absence (administrative leave) each year for preventive health care screening (medical or dental).
- (3) Employees must request leave approval in advance to be eligible for an excused absence.
- (4) Employees must provide the supervisor with appropriate medical documentation verifying that an appointment is scheduled for preventive health care screening.
- (5) When employees use the Preventive Health Care Program, the supervisor must ensure that administrative leave is documented in Quick Time as "administrative leave for preventive health care screening."

D. Reasonable Accommodations. The following procedures are utilized for managing reasonable accommodations:

- (1) The EEO Manager coordinates the process, evaluation and implementation of workplace accommodations when an employee has a need based on physical condition, injury or illness requiring long-term or permanent modification(s) to the work environment, work assignment or work schedule. Once an employee or supervisor advises the EEO Manager of a medically documented issue requiring an accommodation, the EEO Manager will validate the documentation for higher-level approval. This may occasionally require a contracted health care advisor to evaluate the situation and provide a recommendation.
- (2) Supervisors are responsible for addressing employee issues and concerns regarding workplace accommodations at the lowest level possible. Typically, minor and short-term issues are handled by supervisors without the need for EEO involvement. However, requests for accommodations for conditions that require modifications and/or equipment not readily available within the SSS are forwarded to the Reasonable Accommodations Disability Program Manager for review and approval.

- (3) Employees are responsible for requesting reasonable accommodations, regardless of duration. When the disability or the need for an accommodation is not obvious, the supervisor may ask the employee for reasonable documentation regarding the disability and functional limitations. SSS is entitled to know that the individual has a covered disability needing a reasonable accommodation.
- (4) SSS may choose among several options for reasonable accommodations, as long as the chosen reasonable accommodation option is effective. Under the Americans With Disabilities Act, an employee or job applicant request for a reasonable accommodation should be responded to within 10 calendar days with either a (1) determination or (2) status of the request. Enforcement guidance on reasonable accommodation is available on the U.S. Equal Employment Opportunity Commission website:
<http://www.eeoc.gov/policy/docs/accommodation.html>.

E. Computer/Electronic Accommodations Program (CAP). The following procedures are utilized for CAP:

- (1) The Reasonable Accommodation Disability Program Manager coordinates the CAP. This program provides assistive technology services, including computer input/output and telecommunications devices. The CAP addresses workplace ergonomic and physical challenges that can be resolved by technology or physical property realignment changes. You may visit the [CAP website](#) for more information. To request CAP services, click for the [CAP Request Form](#).
- (2) Employees should contact the Reasonable Accommodation Disability Program Manager, if they need assistance with acquiring commercial type items, such as computer screen protectors and filters, ergonomic devices, and seating.

F. Civilian Fitness/Wellness Program (CFWP). The following procedures are utilized with CFWP:

- (1) Participation - All full-time SSS employees may participate in CFWP, subject to supervisory approval, workload/mission requirements and other restrictions, as this program is not an employee entitlement. Individuals on a Performance Improvement Plan (PIP), subject to leave restrictions, or formally disciplined for misconduct within the past year are not eligible to participate in CFWP.
- (2) Request and Approval - Supervisors are encouraged to allow employees to participate in the CFWP, if schedules permit. A maximum of one (1) hour of administrative leave for fitness and

wellness activities per day for a maximum of three (3) work days per week may be approved. Supervisors will notify employees whether their request has been approved or disapproved. If an employee's request to participate in the program is denied, the second level supervisor may review the request for reconsideration and a final decision. There is no right to file an administrative grievance.

- (a) Employees may request a maximum of one (1) hour of administrative leave for fitness and wellness activities per day for up to three (3) work days per week.
 - (b) The employee must sign and submit SSS Form 748, SSS Civilian Fitness Wellness Program (CFWP) Agreement (Appendix A) for supervisory approval. Supervisors must retain a copy of all CFWP agreements and forward a copy to the HRO.
- (3) Procedures - The one hour of administrative leave is inclusive of the total time away from the workplace including time spent in transit, changing clothes, showering, and program activities.
- (a) Employees may combine the lunch period and authorized breaks with the administrative leave. The one hour administrative leave period may not be taken at the start or end of the workday. Employees must report to work before and after fitness/wellness activities. If work requirements do not allow an employee to use administrative leave during the workday, Alternative Work Schedule (AWS) or Flexitour work hours may be considered with approval of the supervisor. Overtime or compensatory time may not be approved to enable participation in the CFWP.
 - (b) Supervisors must ensure CFWP is not abused and are authorized to revoke an agreement based on an employee's failure to comply with program requirements.
 - (c) Supervisors may occasionally cancel an employee's administrative leave to accomplish the Agency's mission.
 - (d) If an employee is away from the office longer than the approved period of administrative leave (or combined lunch period and administrative leave), the supervisor may request that the appropriate leave be taken. Otherwise, the employee may be charged absent without leave (AWOL).
- (4) Approved Activities - Fitness activities suitable for authorized administrative leave should address cardiovascular/aerobic

endurance, muscular strength, flexibility, and body composition. This includes use of local fitness facilities and/or organized group activities, such as walks. Employees are not entitled to subsidized memberships to any fitness or wellness activity, such as membership in a local fitness facility or participation in a Weight Watchers type program.

- (5) Injury - If an employee is injured during an SSS approved fitness/wellness activity while on administrative leave, the incident should be reported to the supervisor immediately. The supervisor will contact the HRO to ensure the proper documentation is completed and action is taken.

G. Smoking Cessation Program. The following procedures are utilized for the Smoking Cessation Program:

- (1) Executive Order 13058, Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace, issued August 9, 1997, established requirements for a smoke-free environment for employees and members of the public visiting or using Federal facilities, and provided Federal employees access to agency sponsored smoking cessation programs. SSS Smoking Cessation Program assists employees with quitting smoking and provides a support program to enhance success and prevent relapse.
- (2) The HRO administers the SSS Smoking Cessation Program.
- (3) SSS EAP provider, COPE, Inc., provides smoking cessation services to interested employees and assists each participant in establishing a stop-smoking plan. The smoking cessation plan may include all or some of the following:
 - (a) A limited physical exam;
 - (b) Information on nicotine replacement therapies, such as nicotine patch or nicotine gum;
 - (c) Referral to group supportive counseling and/or individual counseling;
 - (d) Coping skills and other basic stop-smoking information; and,
 - (e) Relapse prevention sessions.
- (4) SSS will fund the cost for employees to participate in the Smoking Cessation program one time. If an employee starts the program and does not finish, the employee is responsible for the

cost of completing the program at a later date, as well as all costs associated with re-entry into the program.

H. **Smoking Policy.** The following policy and procedures represent the Agency's smoking policy:

- (1) By Executive Order 13058, SSS maintains a smoke-free environment for Federal employees and the visiting public. Smoking is prohibited in all interior space owned, rented, or leased by SSS, and, in outdoor areas in front of air intake ducts, except as noted in paragraph (3) below.
- (2) Smoking a cigar, cigarette, pipe, or any lit tobacco product is prohibited in all SSS spaces including restrooms, common areas, private offices, agency vehicles, general office space, employee lounges, and lobby areas.
- (3) Smoking is permitted only in smoking areas designated by building management.
- (4) A person is considered in violation of this policy, if they are smoking in an area where smoking is prohibited. Offenders of the smoking policy are subject to disciplinary action under PPM Chapter 752, Discipline and Adverse Actions.

I. **HIV/AIDS in the Workplace.** The following is the SSS policy on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) in the workplace.

- (1) With today's medical treatment, people with HIV are living and working longer. A great many people with HIV survive for ten years or more prior to developing AIDS, the syndrome associated with debilitating symptoms. With proper treatment, infected persons can manage the HIV positive status as a chronic, long-term condition, similar to many other medical conditions. Consequently, many people with HIV can work and lead productive lives for years.
- (2) The Americans with Disabilities Act (ADA) includes protection for people with HIV infection or AIDS, or those perceived as having HIV or AIDS, from discrimination in employment practices.
- (3) Use [Universal Precautions](#) when assisting or providing first aid to an ill or injured person. Universal precautions are a set of guidelines that assume all blood and other body fluids are potentially infectious. Following is a list of universal precautions:
 - (a) Wash hands thoroughly with soap and water for at least 20 seconds. When hands are visibly dirty or visibly soiled

with blood or other body fluids, be sure to scrub between fingers, under fingernails, and around the tops and palms of hands. If hands are not visibly soiled, you may use an alcohol-based hand rub.

Wash hands:

- 1) Before and after physical contact with any person (*even if gloves have been worn*);
 - 2) Before and after eating or handling food;
 - 3) After contact with a cleaning agent;
 - 4) After using the restroom; and,
 - 5) After providing any first-aid.
- (b) Wear disposable gloves when in contact with blood and other body fluids.
- (c) Wear protective eyewear when body fluids may come in contact with eyes (e.g., squirting blood).
- (d) Wipe-up any blood or body fluid spills as soon as possible (*wear disposable gloves*). Double-bag the trash in plastic bags, or place in a Ziploc bag and dispose immediately. Clean the area with an approved disinfectant or a bleach solution (one part liquid bleach to 10 parts water).
- (e) Send all soiled clothing (i.e., clothing with blood, feces or vomit) home with the person in a double-bagged plastic bag.
- (f) Do not eat, touch your mouth, or touch your eyes while giving any first aid.
- (4) The HRO is responsible for providing assistance to employees with chronic illnesses and may provide the following guidance:
- (a) EAP referral;
 - (b) Leave administration, including leave sharing and the Family Medical Leave Act;
 - (c) Benefits including health, life, disability and retirement;

- (d) Discrimination; and,
- (e) Employee conduct.

(5) **Medical Documentation.** All medical documentation, whether submitted by an employee or medical professional, contains Personally Identifiable Information (PII) and is covered by the Privacy Act ([5 USC 552a](#)). Medical information is generally considered accessible only to those with a "need to know." It must be kept in a separate file, not in the employee's personnel folder. When no longer needed, medical information should be returned to the employee or shredded.

J. **Nursing Mothers Policy.** A lactating mother in federal employment may request reasonable break time(s) to express breast milk for her nursing child for one (1) year after the child's birth, whenever the employee has a need to express milk. A private room shielded from view and free of intrusion from coworkers and the public must be provided. A private restroom is unsanitary and, therefore, not acceptable. The room does not need to be a permanent lactation room, but must be made available for the duration of the employee's need. SSS is not required to provide compensated breaks for expressing milk. An employee may use compensated breaks already provided by the Agency (e.g., 15 minutes in morning and 15 minutes in the afternoon) to express milk. SSS break policy is contained in PPPM Chapter 610 Hours of Duty. For OPM fact sheets and detailed standards refer to [OPM Memo CPM 2010-19, Nursing Mothers in Federal Employment](#), and the [OPM Guide for Establishing a Federal Nursing Mother's Program](#).

6. TIMEKEEPING AND RECORDKEEPING

- A. Employees and certifiers must document all administrative leave for fitness and wellness activities in Quick Time by entering code "060," administrative leave (other).
- B. Supervisors/managers are responsible for tracking the amount of administrative time used and employee conformance with the aforementioned programs.

7. REPORTS

- A. HRO is responsible for providing the Chief of Staff with an annual usage rate report for health and fitness programs across the Agency.

- B. LO is responsible for providing the Chief of Staff with an annual cost report for health and fitness programs across the Agency.
- C. Regions will provide data, as requested.
- D. HRO will submit reports to OPM, as required.



**SELECTIVE SERVICE SYSTEM CIVILIAN FITNESS WELLNESS PROGRAM (CFWP)
WELLNESS AGREEMENT**

1. EMPLOYEE REQUEST

An employee requesting participation in the CFWP must complete the following Agreement in its entirety to be eligible for participation in the CFWP. Forward to supervisor for approval and copy to SPT/HR.

I, (print name) _____, request approval to participate in the CFWP as follows:

A. (1) _____ I request the use of regularly scheduled Administrative Leave (Wellness) as indicated below:

		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Regular Work Hours	From:							
	To:							
CFWP Hours	From:							
	To:							

OR

A. (2) _____ I request the use of intermittent Administrative Leave (Wellness). (I understand that I must obtain supervisory approval for each requested use of Administrative Leave (Wellness) prior to using.)

AND

B. _____ I have read the CFWP and agree to comply with all requirements.

C. _____ I certify that, to the best of my knowledge, I have no medical conditions or limitations that would put me at risk of injury or risk of harm to my health if I participated in the CFWP.

D. _____ I understand that participation in the CFWP is not an entitlement and is subject to supervisory approval.

Employee's Signature _____ Date _____

2. SUPERVISOR DECISION

_____ The use of regularly scheduled Administrative Leave (Wellness) is approved.

☐

As requested.

OR

☐

Only on the following days and times (for the reasons specified below):

However, I retain the right to cancel or amend as necessary, subject to workload and/or mission requirements.

OR

_____ The use of intermittent Administrative Leave (Wellness) is approved, with the understanding that the employee must request supervisory approval prior to each use of Administrative Leave (Wellness). I retain the right to disapprove as necessary, subject to workload and/or mission requirements.

OR

_____ Participation in the CFWP is denied for the following reasons:

Supervisor's Signature _____ Date _____

888 748, Dec 2011



Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

Change Notice

MANUAL: PERSONNEL POLICIES and
PROCEDURES MANUAL (PPPM)

RESPONSIBLE OFFICE: OD/HR

DATE: April 14, 2016

NUMBER: 80

This Change Notice transmits modifications to Personnel Policies & Procedures Manual, Chapter 792– Substance Abuse in the Workplace. The following amendments are made:

REMOVE

INSERT

1. Entire Chapter 792 dated September 1999 Chapter 792 dated April 2016
2. File this Change Notice in the front of the PPPM and delete/destroy the obsolete pages immediately in any convenient manner

Lawrence G. Romo
Director

Distribution: 1-7, 30

CHAPTER 792
PERSONNEL POLICIES AND PROCEDURES MANUAL
SUBSTANCE ABUSE IN THE WORKPLACE

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1. **INTRODUCTION**

A. **BACKGROUND**

Since 1986, Executive Order (E.O.) 12564 has mandated a drug-free workplace program for all Federal Executive Branch workers. It is a condition of employment for all federal employees to refrain from using illegal drugs, whether on or off-duty. Similarly, alcohol abuse and alcoholism present the same challenges as illicit drug use in the workplace. This guidance also extends to the use of illegally obtained prescription drugs.

Being under the influence of illegal drugs or alcohol impairs a portion of the national work force, resulting in the loss of billions of dollars in productivity each year. As the largest employer in the nation, the Federal Government has a compelling interest in establishing reasonable conditions of employment. Prohibiting illegal drug use is one such condition. The Selective Service System (SSS) values employees' well-being, accomplishing the Agency's mission, and maintaining employee productivity. SSS program's intent is to offer assistance to those who need it, while sending a clear message that illegal drug use is incompatible with federal service.

To establish uniformity among federal agency drug testing plans, reliable and accurate drug testing, employee access to drug testing records, drug test results confidentiality, and Federal Government's centralized oversight of the drug testing program, Congress passed legislation implementing the E.O. under Section 503 of the Supplemental Appropriations Act of 1987, Public Law 100-71, 101 Stat 391, 468-471, codified at 5 U.S.C. (7301 note (1987)), (hereafter, the "Act").

B. **STATEMENT OF POLICY**

Illegal drug use and inebriated behavior are not compatible with the Selective Service's statutory missions—to be prepared to provide trained and untrained personnel to the Department of Defense (DOD) in the event of a national emergency and be prepared to implement an Alternative Service Program for registrants classified as conscientious objectors.

The SSS drug-free workplace program provides education and assistance to all employees, supervisory training, and drug testing on a controlled and monitored basis. It also assures employees that personal dignity and privacy will be respected in reaching the SSS goal of a drug-free workplace.

C. NATURE AND FREQUENCY OF DRUG TESTING INSTITUTED

Section 503 requires the plan to specify the nature, frequency, and type of drug testing: (1) Applicant testing for testing-designated positions (TDP); (2) Random testing of employees in sensitive positions designated as TDP; (3) Reasonable suspicion testing; (4) Voluntary testing; (5) Testing as part of or following counseling or rehabilitation; and (6) Random testing of all SSS military personnel to mirror DoD policies.

The frequency of random testing, voluntary testing, and follow-up testing is specified in Appendix A. The Director reserves the right to increase or decrease the frequency of testing based on the SSS mission, need, availability of resources, and experience.

D. DRUGS TESTED

Section 503 requires the plan to specify the drugs to be tested. The following drugs will be tested: Marijuana; Cocaine; Amphetamines; Opiates; Heroin, Benzodiazepines; and Phencyclidine (PCP). If the Agency desires to test for any other drug, advance written approval from the Secretary, Department of Health and Human Services (HHS), must be obtained.

E. SCOPE

The Department of Health and Human Services (HHS) certified the SSS Drug-Free Workplace Program under Section 503 of the Act.

F. REFERENCES

1) Authorities

- a) E.O. 12564,
- b) E.O. 10450,
- c) E.O. 12356.
- d) Section 503 of the Supplemental Appropriations Act of 1987, Pub. L. 100-71, 101 Stat 391, 468-471, codified at 5 U.S.C. 7301 note (1987);
- e) Mandatory Guidelines for Federal Drug Testing Programs, which includes Scientific and Technical Requirements and Certification of Laboratories Engaged in Urine Drug Testing, 53 F. Reg. 11970 (1988 as revised 1994).

- f) Civil Service Reform Act of 1978, Pub. L. 95-454;
- g) Sections 523 and 527 of the Public Health Service Act and implementing regulations at 42 CFR Part 2, Confidentiality of Alcohol and Drug-Abuse Patient Treatment Records;
- h) The Privacy Act of 1974 (5 U.S. C. 552a), prescribing requirements governing the maintenance of records by agencies pertaining to the individuals and access to these records by the individual(s) to whom they pertain,
- i) 32 CFR Part 1665, implementing the Privacy Act of 1974 within the SSS;
- j) Federal Employees Substance Abuse Education and Treatment Act of 1986, Pub. L. 99-570.
- k) Department of Justice, June 10, 1993, Memorandum, "Supplement to Guidance for Selection of Testing Designated Positions (TDP).
- l) Section 628 of the Treasury, Postal Service, and General Government Appropriations Act of 1989, Pub. L. 100-440, as amended.

2) Guidance

- a) CFR, Chapter 792, Federal Health and Counseling Programs, providing guidance to Federal agencies in establishing alcoholism and drug abuse programs (subchapter 5) and employee counseling services programs (subchapter 6) for Federal employees with alcohol or drug problems;
- b) CFR, Chapter 792, Subpart A and C, providing guidance for developing and maintaining appropriate prevention, treatment, and rehabilitation programs, and services for alcoholism and drug abuse among Federal employees

Additionally, reference PPM Chapter 002, *Delegations of Authority*; Chapter 752, *Discipline and Adverse Actions*

2. **DEFINITIONS**

- A. **APPLICANT** - Any individual tentatively selected for a TDP, and who has not, immediately prior to the selection, been subject to random testing.
- B. **EMPLOYEE ASSISTANCE PROGRAM (EAP)** - The SSS-based counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.
- C. **EMPLOYEE ASSISTANCE PROGRAM ADMINISTRATOR** - The individual responsible for ensuring the development, implementation, and review of the Agency EAP, as well as the individual designated responsible for implementing and operating the EAP within the SSS by ensuring counseling, treatment, and education services to employees and supervisors regarding the SSS EAP.
- D. **MEDICAL REVIEW OFFICER (MRO)** - The individual responsible for receiving laboratory results generated from the SSS Drug-Free Workplace Program who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results, together with an individual's medical history, and any other relevant biomedical information.
- E. **ILLEGAL DRUGS** - Controlled substances included in Schedule I or II, as defined by 21 USC 802(6), the possession of which is unlawful under Chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.
- F. **RANDOM TESTING** - A system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs, and may either be:
 - 1) Uniform unannounced testing of testing-designated employees occupying a specified area, element, or position; or ,
 - 2) A statistically random sampling of such employees based on a neutral criterion, such as social security numbers.
- G. **EMPLOYEES IN SENSITIVE POSITIONS**. These positions include:
 - 1) Positions with certain health and safety responsibilities that could cause immediate, substantial physical injury if carried out under the

influence of drugs or alcohol, usually involving a potentially dangerous instrument or machine;

- 2) Individuals serving under Presidential appointments;
 - 3) Law enforcement officers as defined in 5 U.S.C. 8331(20) and 8401 (17). These positions are: Guard and law enforcement personnel who carry or are authorized to carry firearms, and those directly involved in drug-interdiction duties;
 - 4) Employees with drug rehabilitation or equivalent employee assistance duties so inimical with illegal drug use that such employees can expect inquiry into their fitness. These positions include direct staff of alcohol and drug abuse treatment programs;
 - 5) Employees granted access or employees who may be granted access to "truly sensitive information." The clearest examples of "truly sensitive" are positions requiring a top secret or secret clearance, where by definition, national security would be seriously damaged by unauthorized disclosure;
 - 6) Other positions the Director determines involve law enforcement, national security, protection of life and property, public health or safety. Designating positions not identified in 1 through 5 above as sensitive, requires submission for consultative review to the Interagency Coordinating Group (ICG) under the authority of the Office of National Drug Control Policy (ONDCP). The Agency's designation of the position as sensitive must contain a statement indicating the necessary causal connection between the employees' duties and the feared harm that warrants designation for testing.
- H. SUPERVISORS - An employee with authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove other employees, to adjust their grievances, or to recommend such action effectively, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgement 5 USC 7103 (a)(10).
- I. TESTING DESIGNATED POSITIONS (TDP's) - Positions within the SSS designated for random testing under paragraph 9 and listed in Appendix A.
- J. VERIFIED POSITIVE TEST RESULTS - A test result that was positive in an initial FDA-approved immunoassay (IA) test, confirmed by a Gas Chromatography/Mass Spectrometry (GS/MS) test (or other confirmatory

tests approved by HHS), and reviewed and verified by the Medical Review Officer (MRO).

3. EMPLOYEE ASSISTANCE PROGRAMS (EAP)

A. FUNCTION

The SSS EAP plays an important role in preventing and resolving employee drug use; providing employees an opportunity, with appropriate assistance, to discontinue drug use; providing educational materials to supervisors and employees on drug use issues; assisting supervisors in confronting employees who have performance and/or conduct problems; making referrals to appropriate treatment and rehabilitative facilities; and, following up with individuals during the rehabilitation period to track progress and encourage successful completion of the program. The EAP, however, is not involved with collection of urine samples or the initial reporting of test results. Specifically, the EAP will:

- 1) Provide counseling and assistance to employees who self-refer for treatment or whose drug tests have been confirmed positive and monitor the employees' progress through treatment and rehabilitation;
- 2) Provide needed education and training to all levels of SSS employees on types and effects of drugs, symptoms of drug use and its impact on performance and conduct, relationship of the EAP with the drug testing program, and related treatment, rehabilitation, and confidentiality issues; and,
- 3) Ensure confidentiality of test results and related medical treatment and rehabilitation record is maintained in accordance with paragraph 14.a.

B. REFERRAL AND AVAILABILITY

Any employee found to be using illegal drugs will be referred to the EAP. The EAP is administered separately from the testing program, and is available to all employees without regard to a finding of drug use. The EAP provides counseling and/or rehabilitation for all referrals, and training on recognizing illegal drug use.

If an employee is not satisfied with the program of treatment or rehabilitation, the employee may request a review of the EAP Counselor's referral by notifying the EAP Administrator prior to completing the program. The EAP Administrator's decision is final and will not be subject to further administrative review. Regardless of the treatment program

chosen, the employee remains responsible for successfully completing the treatment, and assertions that the counselor failed to consider one or more of the factors in paragraph 3.E.6) below in making a referral will not constitute either an excuse for continuing to use illegal drugs or a defense to disciplinary action, if the employee does not complete treatment.

C. LEAVE ALLOWANCE

Employees will be allowed up to one hour (or more as required by travel time) of excused absence for each counseling session, up to a maximum of six sessions during the assessment/referral phase of rehabilitation. Absences during duty hours for rehabilitation or treatment must be charged to the appropriate leave category in accordance with law and leave regulations.

D. RECORDS AND CONFIDENTIALITY

All EAP operations relating to records and confidentiality will be confidential, in accordance with paragraph 14 of this Chapter.

E. STRUCTURE

The Human Resource Officer (HRO) is responsible for oversight and implementing the SSS EAP, and will provide, with the Director's support, high level direction and promotion of the EAP. EAP performs the following functions:

- 1) Prepares the SSS submission of annual statistical reports and prepares consolidated reports on the SSS EAP activity;
- 2) Maintains a list of rehabilitation or treatment organizations which provide counseling and rehabilitative programs and includes the following information on each such organization;
 - Name, address, and phone number;
 - Types of services provided;
 - Hours of operation, including emergency hours;
 - Contact persons' name and phone number;
 - Fee structure, including insurance coverage;
 - Client specialization; and
 - Other pertinent information.
- 3) Provides personnel trained in counseling employees in the occupational setting and in identifying drug use;

- 4) Periodically visits rehabilitative or treatment organizations to meet administrative and staff members, tour sites, and ascertain the experience certification and staff educational level, and the organization's policy concerning progress reports on clients and post-treatment follow-up;
- 5) Documents and signs the treatment plan prescribed for all employees referred for treatment, after obtaining the employee's signature on this document;
- 6) In making referrals, considers the:
 - Nature and severity of the problem;
 - Location of the treatment;
 - Cost of the treatment;
 - Intensity of the treatment environment;
 - Availability of inpatient/outpatient care;
 - Other special needs, such as transportation and child care; and,
 - Employee's preferences.

Each Region, Headquarters and the Data Management Center (DMC) will have access to EAP.

4. SUPERVISORY TRAINING

A. OBJECTIVES

Because supervisors have a key role in establishing and monitoring a drug-free workplace, the SSS will provide training to assist supervisors and managers in recognizing and addressing illegal drug use by Agency employees. The purpose of supervisory training is to understand:

- 1) Agency policies relevant to work performance problems, drug use, and EAP;
- 2) The responsibilities of offering EAP services;
- 3) How employee performance and behavioral changes should be recognized and documented.
 - a) The roles of the MRO, medical staff, supervisors, personnel, and EAP personnel;
 - b) The ways to use the EAP;

- c) How the EAP is linked to the performance appraisal and the disciplinary processes; and,
- d) The process of reintegrating employees into the workforce.

B. IMPLEMENTATION

The HRO will be responsible for implementing supervisory training and developing a training package to ensure all employees and supervisors are fully informed of the SSS Drug-Free Workplace Program.

C. TRAINING PACKAGE

Supervisory training will be required of all supervisors and may be presented as a separate course, or be included as part of an ongoing supervisory training program. Training will be provided as soon as possible after a person assumes a supervisory responsibility. Training courses should include:

- 1) Over all Agency policy;
- 2) Prevalence of various employee problems related to drugs and alcohol;
- 3) EAP approach to handling problems, including supervisor's role and relationship to EAP;
- 4) How to recognize employees with possible problems;
- 5) Documentation of employee performance or behavior;
- 6) Skills in confronting employees with possible problems;
- 7) Agency procedures for referring employees to EAP;
- 8) Disciplinary action and removals from sensitive positions as required by Section 5 (c) of the E.O.;
- 9) Reintegration of employees into the workforce, and
- 10) Written materials which the supervisor can use at the work site.

5. EMPLOYEE EDUCATION

A. OBJECTIVES

SSS will ensure all employees receive drug education. Drug education should include education and training on:

- 1) Types and effects of drugs;
- 2) Symptoms of drug use and their effects on performance and conduct;
- 3) Relationship of the EAP to the drug testing program; and,
- 4) Other relevant treatment, rehabilitation, and confidentiality issue.

B. MEANS OF EDUCATION

Drug education activities may include:

- 1) Distribution of written materials;
- 2) Videotapes;
- 3) Lunchtime employee forums; and,
- 4) Employee drug awareness days.

6. SPECIAL DUTIES AND RESPONSIBILITIES

A. DRUG PROGRAM COORDINATOR

SSS will have a Drug Program Coordinator (DPC) assigned to carry out the duties and responsibilities of this Chapter. The DPC will be responsible for implementing, directing, administering, and managing the drug program within the SSS. The DPC will serve as the principal contact with the laboratory and assure effective operation of the collection activities for the testing program. The DPC will, among other duties:

- 1) Arrange for all testing authorized under this Policy;
- 2) Ensure all employees subject to random testing receive individual notice as described in paragraph 7.b. of this Chapter prior to implementation of the program, and that employees return a signed acknowledgment of receipt form;

- 3) Document through written inspection reports, all results of laboratory inspections conducted;
- 4) Coordinate with and report to the Director on DPC activities and findings that may affect the reliability or accuracy of laboratory results;
- 5) In coordination with the EAP Administrator, publicize and disseminate drug program educational materials, and oversee training and education sessions regarding drug use and rehabilitation; and,
- 6) Coordinate all DPC duties for the Regions and DMC, whenever possible to conserve resources and to accomplish reliable and accurate testing objectives.

B. EMPLOYEE ASSISTANCE PROGRAM ADMINISTRATOR

The EAP Administrator will:

- 1) Receive verified positive test results from the MRO;
- 2) Assume the lead role in developing, implementing, and evaluating EAP;
- 3) Ensure EAPs are in place for the Regions and DMC;
- 4) Implement and coordinate EAP with the EAP contractor;
- 5) Provide for counseling and treatment services to all employees referred to the EAP by a supervisor or on self-referral, and otherwise offer employees the opportunity for counseling and rehabilitation;
- 6) Coordinate with the Director, MRO, and supervisors, as appropriate;
- 7) Work with the DPC to provide educational materials and training for managers, supervisors, and employees on illegal drugs in the workplace;
- 8) Assist supervisors with performance and/or personnel problems that may be related to illegal drug use;
- 9) Monitor the progress of referred employees during and after the rehabilitation period and provide feedback to supervisors, in

accordance with 42 C.F.R. Part 2. Confidentiality of Alcohol and Drug Abuse Patient Records;

- 10) Serve as the initial point of contact for employees who ask or are referred for counseling; and,
- 11) Be familiar with all applicable laws and regulations, including drug treatment and rehabilitation insurance coverage available to employees through the Federal Employee Health Benefits Program.

C. MEDICAL REVIEW OFFICER (MRO)

The SSS will have an MRO assigned to carry out the requirements of this Chapter. The MRO will, among other duties:

- 1) Receive all laboratory test results;
- 2) Ensure an individual who has tested positive is afforded an opportunity to discuss the test result in accordance with paragraph 12.d. of this Chapter;
- 3) Consistent with confidentiality requirements, refer written determinations regarding all verified positive test results to the EPA Administrator, including a positive drug test result form, indicating the positive result was verified, together with all relevant documentation and a summary of findings:
 - a) Confirm with the DPC whether an individual tentatively selected for employment with the SSS has obtained a verified positive test result; and,
 - b) Coordinate with and report to the EAP Administrator on all activities and findings on a regular basis.

D. SUPERVISORS

Supervisors will be trained to recognize and address illegal drug use by employees, and provided information on making employee referrals to the EAP, along with procedures and requirements for drug testing. Supervisors and managers will:

- 1) Attend training sessions on illegal drug-use in the workplace;
- 2) Initiate a drug test based on reasonable suspicion, as described in paragraph 10;

- 3) Refer employees to the EAP for assistance in obtaining counseling and rehabilitation upon a finding of illegal drug use;
- 4) Initiate appropriate disciplinary action upon a finding of illegal drug use; and,
- 5) In conjunction with personnel specialists, assist higher-level supervisors and the EAP Administrator in evaluating employee performance and/or personnel problems that may be related to illegal drug use.

E. IMPLEMENTATION

At the direction of the Director, all senior managers will implement the Drug-Free Workplace Program in their organization, and ensure the Program is efficiently and effectively carried out, according to this policy and all other applicable regulations.

F. GENERAL PROGRAM/STRUCTURAL PROVISIONS

HRO will develop implementation procedures to enable the Region, Headquarters and the DMC to efficiently and swiftly implement all aspects of this policy, taking into account unique geographical, personnel, budgetary, and other relevant factors of these offices. Such procedures will also encourage cooperation and coordination among components, so as to conserve resources and efficiently implement this Policy.

G. GOVERNMENT CONTRACTORS

Whenever existing Agency facilities are inadequate to implement this Chapter, the HRO Manager will:

- 1) Act as the Contracting Officer's Representative (COR) for the administration of all related contracts;
- 2) Ensure contract laboratories chosen to perform the drug screening tests are duly certified according to subpart C of the HHS guidelines and that any other contracts to implement this policy conform to the technical specifications of the HHS guidelines; and,
- 3) Establish, by contract or with SSS employees, as deemed appropriate, the positions and specific responsibilities of the DPC and MRO, as required by the HHS guidelines.

7. NOTICE

A. GENERAL NOTICE

A general notice from the Director announcing the testing program, as required by the E.O. Section 4(a), will be provided to all employees no later than sixty (60) days prior to the program implementation date. This notice, provided upon completion of the certification procedures pursuant to Section 503 of the Act, will include the following points:

- 1) Purpose of the Drug-Free Workplace Program;
- 2) Program will include voluntary and mandatory testing;
- 3) Those who hold positions selected for random testing will also receive an individual notice, prior to the commencement of testing, indicating their position has been designated a TDP;
- 4) Availability and procedures necessary to obtain counseling and rehabilitation through the EAP;
- 5) Circumstances under which testing may occur;
- 6) Opportunity to submit medical documentation of lawful use of an otherwise illegal drug;
- 7) Laboratory assessment is a series of tests that are highly accurate and reliable; and that, as an added safeguard, the MRO reviews laboratory results;
- 8) Positive test results verified by the MRO may only be disclosed to the employee, appropriate EAP administrator, and appropriate management officials necessary to process an adverse action against the employee, or a court of law or administrative hearing in any adverse personnel action; and,
- 9) All medical and rehabilitation records in an EAP are deemed confidential "patient" records that may not be disclosed without the prior written consent of the patient/employee; and, may not be entered into the employee's official personnel file (OPF).

B. INDIVIDUAL NOTICE

In addition to the information provided in the general notice, an individual notice will be distributed to all employees in TDP explaining:

- 1) Employee's position has been designated a "testing- designated position;"
- 2) The employee will have the opportunity to admit voluntarily to being a user of illegal drugs and to receive counseling or rehabilitation and will not be subject to disciplinary action; and,
- 3) The employee's position will be subject to random testing no sooner than thirty (30) days following the notice.

C. SIGNED ACKNOWLEDGMENT

Each employee in a TDP will be asked to acknowledge in writing that (1) the employee received and read the notice that states the employee's position has been designated for random drug testing; and (2) refusal to submit to testing will result in initiating disciplinary action, up to and including dismissal. If the employee refuses to sign the acknowledgment, the employee's supervisor will note on the acknowledgment form that the employee received the notice. HRO will provide direction on the collection and filing of acknowledgements. An employee's failure to sign the notice will not exempt the subject employee from testing or affect the implementation of this Chapter after the general sixty (60) day notice notifying all Agency employees of the requirement to be drug-free and the drug testing program.

D. ADMINISTRATIVE RELIEF

If an employee believes his/her position has been incorrectly designated a TDP, the employee may file an administrative appeal to the Director, who has authority to remove the employee's position from the TDP list. The appeal must be submitted by the employee, in writing, to the Director within fifteen (15) days of notification, setting forth all relevant information. The Director will review the appeal based upon the criteria applied in designating the employee's position a TDP. The Director's decision is final and is not subject to further administrative review.

8. FINDING OF DRUG USE AND DISCIPLINARY CONSEQUENCES

A. DETERMINATION

An employee may be found to use illegal drugs on the basis of any appropriate evidence including, but not limited to:

- 1) Direct observation;
- 2) Evidence obtained from an arrest or criminal conviction;

- 3) A verified positive test result; or,
- 4) An employee's voluntary admission.

B. MANDATORY ADMINISTRATIVE ACTIONS

The SSS will refer an employee found to use illegal drugs to the EAP and, if the employee occupies a sensitive position, immediately remove the employee from that position without regard to whether it is a TDP. At the discretion of the Director, however, and as part of the EAP, an employee may return to duty in a sensitive position, if the employee's return would not endanger public health, safety or national security

C. RANGE OF CONSEQUENCES

Disciplinary action taken against an employee found to use illegal drugs includes the full range of disciplinary actions, including removal. The severity of the action taken depends on the circumstances of each case and will be consistent with the E.O. 12564. The SSS will initiate disciplinary action against any employee found to use illegal drugs, except the SSS will not discipline an employee who voluntarily admits to illegal drug use in accordance with paragraph 8.f. of this Chapter

- 1) When disciplinary action is required, it must be consistent with the requirements the Civil Service Reform Act, other statutes and regulations. The range of disciplinary measures include:
 - a) Reprimanding the employee in writing;
 - b) Placing the employee in an enforced leave status;
 - c) Suspending the employee for fourteen (14) days or less;
 - d) Suspending the employee for fifteen (15) days or more;
 - e) Suspending the employee until the employee successfully completes the EAP or until the SSS determines action other than suspension is more appropriate;
 - f) Removing the employee from service; or,
 - g) Reducing the employee in pay or grade

D. INITIATION OF MANDATORY REMOVAL FROM SERVICE

The Senior Staff supervisor will initiate action to remove an employee for:

- 1) Refusing to obtain counseling or rehabilitation through an EPA, as required by the E.O., after having been found to use illegal drugs; or,
- 2) Not refraining from illegal drug use. All letters to propose and decide on a separation action must be developed in consultation with the HRO.

E. REFUSAL TO TAKE DRUG TEST WHEN REQUIRED

An employee who refuses to be tested when so required will be subject to the full range of disciplinary actions, including dismissal. No applicant who refuses to be tested will be extended an offer of employment. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the drug test when required.

F. VOLUNTARY REFERRAL

Under E.O. 12564, the SSS is required to initiate action to discipline any employee found to use illegal drugs in every circumstance, except that such discipline is not required for an employee who (1) voluntarily admits to drug use prior to being identified through other means; (2) completes counseling or rehabilitation through the EAP, including agreeing to unannounced testing as part of follow-up counseling or rehabilitation; and, (3) thereafter, refrains from drug use.

- 1) This self-referral option allows the SSS to create a "safe harbor" where any employee may step forward and self-identify as an illegal drug user for the purpose of entering a drug treatment program under the EAP
- 2) In stepping forward, and consistent with paragraph 12.a, an employee may volunteer for a drug test as a means of identification. Although this self-identification test may yield a verified positive test result, such result will not subject an employee to discipline, assuming the three safe harbor requirements outlined above are met.
- 3) This provision is not available to an employee who requests protection under this provision after:
 - a) Being asked to provide a urine sample in accordance with this Chapter; or,

- b) Having been identified or found to have used illegal drugs pursuant to paragraph 8.a.1) and/or 8.a.2).

9. **RANDOM TESTING**

A. SENSITIVE POSITIONS DESIGNATED FOR RANDOM TESTING

The E.O. requires random testing for employees in sensitive positions, subject to Agency criteria. The Director designated sensitive positions as TDP subject to random testing. The position titles designated for random drug testing are listed in Appendix A, along with the criteria and procedures applied in designating such positions for drug testing, including the justification for such criteria and procedures.

B. DETERMINING THE TESTING-DESIGNATED POSITION

The Director considered the following factors in designating Testing-Designated Positions (TDP):

- 1) Presidential Appointees;
- 2) Schedule C Political Appointees and positions with national security responsibilities;
- 3) Positions with access to highly sensitive information;
- 4) Positions providing employees access to sensitive information where unauthorized disclosure would seriously damage national security;
- 5) Positions requiring employees, as a condition of employment, to obtain a security clearance; and,
- 6) Positions not requiring a security clearance, but filled by employees who manage access of sensitive information.

These positions are characterized by security responsibilities related to the mission of the SSS. The job functions associated with these positions are directly related to national security. These positions are identified for random testing because they require the highest degree of trust and confidence. The Director reserves the right to add or delete TDP pursuant to the criteria established in the E.O. and this Chapter. (See 2. g. "Definitions, Employees in Sensitive Positions"). Moreover, the Director determined, pursuant to 42 U.S.C. 290ee-1(b)(2)(B), that all positions which have been or will be designated as TDP under this Chapter, are

"sensitive positions" and are therefore exempted from coverage under 42 U.S.C. 290ee-1(b).

C. RANDOM TESTING OF SSS MILITARY PERSONNEL & SCHEDULE C POLITICAL APPOINTEES

In addition to E.O. 12564 requirements, the Director ordered all SSS military personnel and Schedule C appointees be subject to random testing, in accordance with military law, regulations, and procedures. These persons are included in the TDP random testing pool.

D. IMPLEMENTING RANDOM TESTING

In implementing the program of random testing the DPC will:

- 1) Ensure the means of random selection remains confidential; and,
- 2) Evaluate, periodically, whether the numbers of employees tested and the frequency with which those tests will be administered satisfy the SSS standard of achieving a drug-free workforce.

The number of sensitive employees occupying TDP and the frequency with which random tests will be administered is specified in Appendix A.

10. NOTIFICATION OF SELECTION

An individual selected for random testing and the individual's first-line supervisor will be notified the same day the test is scheduled, preferably within two hours of the scheduled testing. The supervisor will explain to the employee that the employee is under no suspicion of taking drugs and that the employee's name was selected randomly.

A. DEFERRAL OF TESTING

An employee selected for random drug testing may obtain a deferral of testing, if the employee's first-line and higher-level supervisors concur that a compelling need requires a deferral on the grounds that the employee is:

- 1) In a leave status (sick, annual, administrative or leave without pay); or,
- 2) In an official travel status away from the test site or is about to embark on official travel scheduled prior to testing notification.

An employee whose random drug test is deferred will be subject to an unannounced test within the following 60 days.

11. REASONABLE SUSPICION

Reasonable suspicion testing may be required of any employee in a position that is designated for random testing when there is a reasonable suspicion that the employee uses illegal drugs, whether on or off duty. Reasonable suspicion testing may also be required of any employee in any position when there is a reasonable suspicion of on-duty use or on-duty impairment.

A. GROUND

Reasonable suspicion testing may be based upon such things as:

- 1) Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;
- 2) A pattern of abnormal conduct or erratic behavior;
- 3) Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, trafficking, or distribution;
- 4) Information provided either by reliable and credible sources or independently corroborated; or,
- 5) Newly discovered evidence that the employee has tampered with a previous drug test.

Although reasonable suspicion testing does not require certainty, mere "hunches" are not sufficient to meet this standard.

B. PROCEDURES

If an employee is suspected of using illegal drugs, the first-level supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion. Then, the appropriate supervisor will promptly prepare a written report detailing the circumstances that warrant the testing request and include a recommendation for disposition. This report should include:

- 1) Dates and times of reported drug related incidents;
- 2) Reliable/credible sources of information;
- 3) Rationale leading to the test request and other action taken. The

report and recommendation will be hand-carried to the senior level supervisor. If the senior level manager concurs with an initial recommendation that drug testing is not required, no further action will be taken; but the file will be delivered to the DPC to be retained for one year.

- 4) If the senior level manager concurs with an initial recommendation that drug testing is recommended, supporting documentation will be hand-carried to the General Counsel for review and recommendation and forwarded to the Chief of Staff for a final decision to either:
 - a) Reject the recommendation, or
 - b) Direct the employee to submit to a urinalysis to screen for illegal drug use.

The Chief of Staff will forward the file to the DPC to be retained for one year. (To ensure confidentiality, information from the Regions and the DMC will be personally transmitted by facsimile or secure/encrypted email from the Director to the Chief of Staff who will personally receive the transmittal.)

C. OBTAINING THE SAMPLE

The employee may be asked to provide the urine sample under observation, in accordance with the criteria in paragraph 13.b.

D. SUPERVISORY TRAINING

In accordance with paragraph 4, supervisors will be trained to address illegal drug use by employees, recognize facts that give rise to reasonable suspicion, and to document facts and circumstances to support a finding of reasonable suspicion. Failure to receive such training, however, will not invalidate otherwise proper reasonable suspicion testing

12. APPLICANT TESTING

A. OBJECTIVES

To maintain high professional standards of the SSS workforce, it is imperative that TDP selectees who use illegal drugs are eliminated during the initial employment process before appointment. This procedure will have a positive effect on reducing instances of illegal drug use and should provide a positive example for the remainder of the workforce. Further, notification on all vacancy announcements of Agency adherence to the Drug-Free Federal Workplace should discourage drug users from applying

for SSS positions. For those reasons, drug testing will be required of all applicants as defined in paragraph 2.a.

B. VACANCY ANNOUNCEMENTS

Vacancy announcements for all designated TDP will state:

"Any applicant tentatively selected for this position will be required to submit to a urinalysis to screen for illegal drug use prior to appointment."

In addition, each applicant will be notified that appointment to the position is contingent upon a negative drug test result. Failure of the vacancy announcement to contain this statement notice will not preclude applicant testing, if advance written notice is provided to applicant(s) in another manner.

All other SSS vacancy announcements will state:

"The SSS adheres to E.O. 12564, A Drug-Free Federal Workplace; and, therefore, employees may be subject to drug testing."

C. PROCEDURES

The DPC will direct tentatively selected applicants to an appropriate collection facility. The drug test must be undertaken as soon after notification as possible, but not later than 48 hours after notice to the applicant. Where appropriate, applicants may be reimbursed for reasonable travel expenses.

Applicants will be advised of the opportunity to submit medical documentation that may support a legitimate use for a specific drug and that such information will be reviewed only by the MRO to determine whether the individual is legally using a drug screened as an illegal drug.

D. PERSONNEL OFFICIALS

The DPC will ensure, after consultation with the MRO, that a drug test has been conducted on the subject individual, along with verification of a negative or positive result.

E. CONSEQUENCES

Unless medical clearance has been obtained and approved by the MRO as specified in paragraph 13.d, the SSS will decline to extend a final offer of employment to any applicant with a verified positive test result, and such applicant may not reapply to the SSS for a period of six (6) months.

The Human Resource Specialist working the applicant's certificate will be directed to object to the applicant based on the failure to pass the physical. The SSS will inform the applicant that a confirmed presence of an illegal drug in the applicant's drug test precludes the SSS from hiring the applicant.

13. ADDITIONAL TYPES OF DRUG TESTING

A. VOLUNTARY TESTING

To demonstrate a commitment to the SSS goal of a drug-free workplace, employees not in a TDP may volunteer for unannounced random testing by notifying the DPC. These employees will be included in the pool of TDP personnel subject to random testing and be subject to the same conditions and procedures, including the provisions of paragraph 8.f. Volunteers will remain in the TDP pool until they withdraw from participation by notifying the DPC of such intent at least 48 hours prior to a scheduled test.

B. FOLLOW-UP TESTING

All employees referred through administrative channels that undergo counseling or a rehabilitation program for illegal drug use through the EAP will be subject to unannounced testing following completion of such a program for a period of one year. Such employees will be tested at the frequency stipulated in the treatment contract, or in the alternative, at an increased frequency of once a month. Such testing is distinct from testing which may be imposed as a component of the EAP.

14. TEST PROCEDURES IN GENERAL

A. MANDATORY GUIDELINES FOR FEDERAL DRUG TESTING

The SSS will adhere to the Mandatory Guidelines for Federal Drug Testing Programs promulgated by HHS consistent with the authority granted by E.O. 12564, and to the requirements of Section 503 of the Act. The SSS drug testing program will have professionally trained collection personnel, quality assurance requirements for urinalysis procedures, and strict confidentiality requirements

B. PRIVACY ASSURED

Any individual subject to testing under this Chapter will be permitted to provide urine specimens in private and in a rest room stall or similar enclosure so that the employee is not observed while providing the sample. Collection site personnel of the same gender as the individual tested, however, may observe the individual provide the urine specimen

when such personnel have reason to believe the individual may alter or substitute the specimen to be provided. Collection site personnel may have reason to believe that a particular individual may alter or substitute the specimen to be provided when:

- 1) The individual:
 - a) Has previously been found by the SSS to be an illegal drug user; or,
 - b) Has previously tampered with a sample.
- 2) Facts and circumstances suggest the individual:
 - a) Is an illegal drug user;
 - b) Is under the influence of drugs at the time of the test; or,
 - c) Has equipment or implements capable of tampering with or altering urine samples.
- 3) The specimen:
 - a) Has a temperature outside the range of 32.5 to 37.7 degrees Celsius or 90.5 to 99.8 degrees Fahrenheit; or,
 - b) Show signs of contaminants.

C. FAILURE TO APPEAR FOR TESTING

Failure to appear for testing without a deferral is considered refusal to participate in testing and will subject an employee to the range of disciplinary actions, including dismissal or cancelling an employment offer. If an individual fails to appear at the collection site at the assigned time, the collector will notify the DPC of the failure to appear.

D. OPPORTUNITY TO JUSTIFY A POSITIVE TEST RESULT

When a confirmed positive result has been returned by the laboratory, the MRO will perform the duties set forth in the HHS guidelines. For example, the MRO may choose to conduct employee medical interviews, review employee medical history, or review any relevant biomedical factors. MRO must review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medication. Evidence to justify a positive result may include, but is not limited to:

- 1) Valid prescription; or,
- 2) Verification from the individual's physician verifying a valid prescription.

Individuals are not entitled to present evidence to the MRO in a trial-type administrative proceeding, although the MRO has the discretion to accept evidence in any manner the MRO deems most efficient or necessary. If the MRO determines there is no justification for the positive result, such results will then be considered a verified positive test result. The MRO will immediately contact the EAP Administrator upon obtaining a verified positive test result.

E. EMPLOYEE COUNSELING AND ASSISTANCE

While participating in a counseling or rehabilitation program, and at the request of the EAP Administrator, the employee may be exempted from the random testing pool for a period not to exceed sixty (60) days, or for a time period specified in an abeyance contract or a rehabilitation plan approved by the Director. Upon program completion, the employee will immediately be subject to follow-up testing pursuant to paragraph 12.b.

F. SAVINGS CLAUSE

To the extent that any of the procedures specified in this paragraph are inconsistent with those specified in the Mandatory Guidelines promulgated by the Department of Health and Human Services, or any subsequent amendment thereto, such HHS Guidelines or amendment will supersede the procedures specified in this paragraph only to the extent of the inconsistency.

15. ALCOHOLISM IN THE WORKPLACE

A. DEFINITION

The National Council on Alcohol and Drug Dependence defines alcoholism as: alcoholism is a primary, chronic disease with genetic, psychological, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. It is characterized by impaired control over drinking, preoccupation with the drug alcohol, use of alcohol, despite adverse consequences, and distortion in thinking, most notably denial.

B. ALCOHOL ABUSE

Alcohol is the single most used and abused drug in America. According to the National Institute on Alcohol Abuse and Alcoholism (NIAAA), nearly 14 million Americans (1 in every 13 adults) abuse alcohol or are alcoholics. Several million more adults engage in risky drinking patterns that could lead to alcohol problems. Costs to society in terms of lost productivity, health care costs, traffic accidents, and personal tragedies are staggering. Numerous studies and reports have been issued on workplace costs of alcoholism and alcohol abuse, and they report costs that range from \$33 billion to \$68 billion per year. Alcohol is a major factor in injuries, both at home, at work, and on the road. Nearly half of all traffic fatalities involve alcohol. Please see the [Appendix - The Disease of Alcoholism](#) for a further discussion of alcoholism.

C. WORKPLACE IMPACT

In the workplace, the costs of alcoholism and alcohol abuse manifest themselves in many different ways. Absenteeism is estimated to be 4 to 8 times greater among alcoholics and alcohol abusers. Other family members of alcoholics also have greater rates of absenteeism. Accidents and on-the-job injuries are far more prevalent among alcoholics and alcohol abusers.

The Federal workplace is no different than any other regarding alcoholism and alcohol abuse. Though no studies have been done on the prevalence of alcoholism and alcohol abuse among Federal employees, it is safe to assume that a similar proportion of Federal employees are alcoholics or alcohol abusers, as in the national workforce. The associated increased health care costs and lost productivity are passed along directly to the taxpayer, and to each and every one of us. Comprehensive OPM guidance is provided in [Alcoholism in the Workplace: A Handbook for Supervisors](#).

16. RECORDS AND REPORTS

A. CONFIDENTIALITY OF TEST RESULTS

The laboratory may disclose laboratory test results only to the MRO or the MRO's staff. Any positive result that the MRO justifies by acceptable and appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of an illegal drug will be treated as a negative test result and may not be released for purposes of identifying illegal drug use. Test results will be protected under the provisions of the Privacy Act, 5 U.S.C. (552a, et seq. and Section 503(e) of the Act, and may not be released in violation of either Act. The MRO may maintain only

those records necessary for compliance with this Chapter. Any records of the MRO, including drug test results, may be released to any management official for purposes of auditing the MRO's activities, except the disclosure of the audit results may not include personal identifying information on any employee.

To comply with Section 503(e) of the Act, an SSS employee's drug test results may not be disclosed without the prior written consent of the employee, unless the disclosure would be:

- 1) To the MRO;
- 2) To the EAP Administrator with whom the employee is receiving counseling or treatment, or is otherwise participating;
- 3) To any supervisory or management official within the SSS having authority to take adverse personnel action against such employee; or,
- 4) Pursuant to the court of competent jurisdiction order or where required by the United States Government to defend against any challenge against any adverse personnel action.

For purposes of this paragraph, "management official" includes any management, government, security, or personnel official whose duties involve test results review to process adverse personnel action against the employee. In addition, test results with all identifying information removed will also be made available to SSS personnel, including the DPC, for data collection and other activities necessary to comply with Section 503(f) of the Act.

D. EMPLOYEE ACCESS TO RECORDS

Any employee who is the subject of a drug-test will, upon written request, have access to any records relating to

- 1) Employee's drug test; and,
- 2) Results of any relevant certification, review, or revocation of proceedings, as referred to in Section 503(a) (1)(A)(ii)(III) of the Act.
- 3) Except as authorized by law, an applicant who is the subject of a drug test will not be entitled to this information.

C. CONFIDENTIALITY OF RECORDS IN GENERAL

All drug testing information specifically related to individuals is confidential and should be treated as such by anyone authorized to review or compile program records. To implement this Chapter efficiently and make information readily retrievable, the DPC will maintain all records related to reasonable suspicion testing, suspicion of tampering with evidence, and other authorized documentation necessary to implement this policy.

All records and information and personnel actions regarding employees with verified positive test results must be forwarded to HRO for safe keeping and remain confidentially locked in a safe with only authorized individuals with a "need-to-know" having access.

D. EMPLOYEE ASSISTANCE PROGRAM RECORDS

The EAP Administrator will maintain only those records necessary to comply with this Chapter. After a supervisor refers an employee to EAP, the EAP will maintain all records necessary to carry out its duties. All medical and/or rehabilitation records concerning the employee's drug abuse, including EAP records of the identity, diagnosis, prognoses or treatments are confidential and may be disclosed only as authorized by 42 C.F.R. Part 2, including the provision of written consent by the employee. With written consent, the patient may authorize the disclosure of those records to the patient's employer for verification of treatment or for a general evaluation of treatment progress. (42 C. F.R. (2 1 et seq (1986), revised regulations promulgated at 52 F.R. 21796, June 9, 1987).

E. MAINTENANCE OF RECORDS

The SSS will establish or amend a record keeping system to maintain SSS Drug-Free Workplace Program records consistent with the SSS Privacy Act System of Records and with all applicable federal laws rules and regulations regarding confidentiality of records, including the Privacy Act 5 U.S.C. 552a. If necessary, records may be maintained as required by subsequent administrative or judicial proceedings or at the Director's discretion. The record keeping system should capture sufficient documents to meet the operational and statistical needs of this policy and include:

- 1) Notices of verified positive test results referred by the MRO;
- 2) Written materials justifying reasonable suspicion testing or evidence that an individual may have altered or tampered with a specimen;

- 3) Anonymous statistical reports; and,
- 4) Other documents the DPC, MRO, or EAP Administrator deems necessary for efficient compliance with this Policy.

F. RECORDS MAINTAINED BY GOVERNMENT CONTRACTORS

Any contractor hired to satisfy any part of the E.O. will comply with this Chapter's confidentiality requirements and all applicable federal laws, rules, regulations, and guidelines.

G. STATISTICAL INFORMATION

The DPC will collect and compile anonymous statistical data for reporting the number of:

- 1) Random tests, reasonable suspicion tests, follow-up tests, and/or applicant tests administered;
- 2) Verified positive test results;
- 3) Voluntary drug counseling referrals;
- 4) Involuntary drug counseling referrals;
- 5) Terminations or denial of employment offers resulting from refusal to submit to testing;
- 6) Terminations or denial of employment offers resulting from alteration of specimens;
- 7) Terminations or denial of employment offers resulting from failure to complete a drug abuse counseling program; and,
- 8) Employees who successfully complete EAP.

These data and other pertinent information will be compiled for inclusion in the SSS' annual report to Congress required by Section 503(f) of the Act. These data will also be provided to HHS semiannually to assist in overall program evaluation and to determine whether changes to the HHS guidelines may be required.

APPENDIX A

A. POSITION TITLES DESIGNATED FOR RANDOM TESTING

This appendix lists twenty (20) positions that have been identified as Testing Designated Positions (TDP) and eleven (11) active duty military that comprise the random drug testing pool. Employees in these positions will have equal statistical chance of being selected for random testing. Each year 5% of the total pool will be randomly selected for testing.

B. CRITERIA AND PROCEDURES USED TO IDENTIFY TDP

The SSS took the following steps to identify TDP positions subject to random selection for testing. First, all position descriptions were reviewed for accuracy. Second, all positions were reviewed to ensure sensitivity levels were accurately designated. Third, all positions were reviewed to determine whether they fell within the pool identified by Section 7(d) of the E.O. and subsequent Department of Justice guidelines. Those positions designated as within the pool were closely examined to determine the likely risk or harm to the public or impact on the Agency as a result of the incumbents' errors or misconduct. Particular consideration was given to existing internal controls that minimize the risk of adverse impact as a result of errors or misconduct by employees at the lower and middle organizational levels.

Those sensitive positions identified as operating in areas where the potential risk to the public or Agency is great and cannot be minimized by internal controls were reexamined to determine whether the assumptions made regarding risk and control were accurate and sufficient to outweigh the intrusion on an individual's right of privacy resulting from selection for drug testing. The program provides that, upon receiving formal written notice that his/her position has been identified as a TDP, any employee may advise the head of the Agency of any reason why the position should not be so designated. The Director, at his discretion, may reconsider the designation of the position in question as a TDP.

This process resulted in identifying certain general categories of positions as TDP, described more specifically below. Presidential Appointees and Agency positions requiring a security clearance are identified as TDP. This determination is based on considerations and requirements for sensitive positions set forth in this chapter. Note: in the event of mobilization, TDP numbers will increase due to increased responsibilities and security concerns.

APPENDIX A TESTING DESIGNATED POSITION POOL

POSITION	JUSTIFICATION
1. Director	1
2. Deputy Director	3
3. Chief of Staff	2
4. Inspector General Liaison Officer*	3
5. General Counsel	3
8. Associate Director for Financial Management.....	3
9. Associate Director for Operations	3
10. Associate Director for Public & Intergovernmental Affairs.....	3
11. Chief Information Officer/IT Division Chief/IT Security Officer.....	3
12. Human Resources Officer.....	3
13. Agency Contracting Officer	3
14. Data Management Center.....	3
15. Director, Region I	3
16. Director, Region II	3
17. Director, Region III	3
18. Manager, Registration & Compliance Programs	3
19. Program Analyst Officer*	3
20. Senior Program Analyst*.....	3
21. Drug-Free Workplace Program Coordinator	3

TOTAL NUMBER OF TDP: 21

RANDOM TESTING POOL: 21 TDP

Justification:

1. Presidential Appointee.
2. Schedule C Political Appointees and positions with National security responsibilities.
3. Personnel having access to "Truly Sensitive Information" which includes Top Secret and Secret security clearances.
4. Positions not requiring a security clearance, but filled by employees who manage the access of sensitive information.

* These positions are required during mobilization only.

Appendix B

Cost Estimates of Drug-Free Workplace Program (Obligations in thousands of dollars)

	<u>PY</u>	<u>BY</u>	<u>BY+1</u>	<u>BY+2</u>
1. Collection, Drug Testing, & Medical Review Officer.	\$ 200			
2. Quality Control.	Incl w/DOI			
3. Supervisor Training	Incl w/EAP			
4. Employee Education. . . .	Incl w/EAP			
5. Administration	_____	_____	_____	_____
Total.	\$ 200			

Prepared by: _____
 Date: _____
 Phone: _____

Note: Staff salaries and benefits will be recorded only for employees who expend a significant portion (i.e., 25 percent or more per year) of their time on recurring activities directly related to E.O.12564. These estimates will only represent the portion of time the employee devote to drug testing activities

1. 1999 Interagency Agreement with Department of the Interior (DOI) (Cost for 32 tests).
2. Cost included in the DOI fee.
3. Cost covered for Drug Testing.
4. Cost covered in fee paid for the EAP program.
5. No additional cost for the GS-13 EAP Coordinator (collateral duty).

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 791

DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING POLICIES

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 791

DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING POLICIES

1. PURPOSE

This chapter establishes Selective Service System (SSS) policy and procedures for employees, for personal or work-related situations involving domestic violence, sexual assault, and/or stalking. This policy should be disseminated to all SSS employees to ensure no one is fearful of requesting assistance, since such incidents impact an employee's work performance. The SSS has zero tolerance for instances of domestic violence, sexual assault, and/or stalking within the workplace, at official duty stations, or agency events.

2. AUTHORITY

The United States Office of Personnel Management (OPM) issued [Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies](#) in February 2013, which provided direction for agencies to fulfill the goals in [Presidential Memorandum, Establishing Policies for Addressing Domestic Violence in the Federal Workforce](#) dated April 18, 2012. Agencies were directed to develop policies aligned with the OPM guidance. Subsequently, [Presidential Memorandum, Enhancing Workplace Flexibilities and Work-Life Program of June 23, 2014](#) directed agencies to: (1) review workplace flexibilities and work-life policies and programs; and, (2) ensure all employees are aware of the flexibilities and policies.

3. DEFINITIONS

- A. **DOMESTIC VIOLENCE** - Domestic violence is a pattern of coercive behavior, including acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, intimate partner, dating partner, or person with whom the perpetrator shares a child in common. This behavior includes, but is not limited to, physical or sexual violence, emotional and/or psychological intimidation, verbal abuse, stalking, economic control, harassment, threats, physical intimidation, or injury. Domestic violence can occur in any relationship, regardless of socio-economic status, education level, cultural background, age, gender, race, ethnicity, sexual orientation, gender identity, or religion. Domestic violence can occur in heterosexual and same-sex intimate relationships, including marital, cohabiting, or dating relationships that are not dependent on the existence of a sexual relationship.

- B. **EMPLOYEE** - Any person employed by a Federal Executive agency as defined in 5 U.S.C. § 105. This does not include employees of private contractors hired by an agency.
- C. **EMPLOYER** - Any Federal Executive agency, as defined in 5 U.S.C. § 105.
- D. **PERPETRATOR** - A perpetrator is an individual who commits or threatens to commit an act of domestic violence, sexual assault, and/or stalking.
- E. **PROTECTION OR RESTRAINING ORDER** - Victims may obtain a protection order, sometimes called a restraining order, a stay-away order, or a peace order, from a court to protect them from a perpetrator. Such an order may establish custody and visitation guidelines and provide for forms of economic security, like child support, rent or mortgage payments, which last for the duration of the order. Protection orders may also be issued in criminal cases as a condition of probation or condition of release, particularly in a domestic violence, sexual assault, or stalking related crime.
- F. **SEXUAL ASSAULT** - Sexual assault refers to a range of behaviors, including but not limited to, a completed nonconsensual sex act (e.g., rape, sodomy, and child molestation), an attempted nonconsensual sex act, and/or abusive sexual contact. Sexual assault includes any sexual act or behavior that is perpetrated when someone does not or cannot consent. A victim of sexual assault may know the perpetrator, such as a co-worker or a supervisor, and/or may be involved in a dating or marital relationship with the perpetrator, or the perpetrator may be unknown to the victim. Lack of consent should be inferred when a perpetrator uses force, harassment, threat of force, threat of adverse personnel or disciplinary action, or other coercion, or when the victim is asleep, incapacitated, unconscious, or physically or legally incapable of consent.
- G. **SEXUAL HARASSMENT** - Title VII of the Civil Rights Act of 1964 refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. Sexual assault is a form of sexual harassment prohibited by Title VII, but most sexual harassment does not rise to the level of sexual assault.

This Guidance only addresses sexual assault. For sexual harassment that does not rise to the level of sexual assault, SSS will follow EEOC sexual harassment policies and guidance, http://www.eeoc.gov/laws/types/sexual_harassment.cfm).

- H. **STALKING** - Stalking refers to harassing, unwanted, and/or threatening conduct that causes the victim to fear for his or her safety or the safety of a family member. Stalking conduct may include, but is not limited to, following, spying on, or waiting for the victim in places such as home, school, work, or a recreation place; leaving unwanted items, presents, or flowers for the victim; making direct or indirect threats to harm the victim, the victim's children, relatives, friends, pets, or property; posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth; and obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, or contacting victim's friends, family, work, or neighbors. Stalking may occur through use of technology, including but not limited to, email, telephone, voicemail, text messaging, and use of GPS Tracking or tracking and social networking sites.
- I. **VICTIM OR SURVIVOR** - An individual who is currently subject to, or has in the past been subjected to, domestic violence, sexual assault, and/or stalking.
- J. **TRAUMA-INFORMED CARE** - An approach to engaging people with histories of trauma that recognizes the presence of trauma symptoms and acknowledges the role that trauma has played in their lives.
- K. **WORKPLACE** - An employee's official duty station or alternative work location that is associated with the employee's established tour of duty (working hours). The employee is considered to be in the workplace while in or utilizing the employer's resources of the employer. The availability and character of an agency's response to a workplace-related incident may be dependent upon the location.
- L. **WORKPLACE-RELATED INCIDENTS** - Workplace-related incidents of domestic violence, sexual assault, and stalking include acts, attempted acts, or threatened acts by or against employees, and/or against employees' families or property, that occur in the workplace or that occur outside the workplace, but have an impact on the workplace.

4. WORKPLACE FLEXIBILITIES

- A. **FLEXIBILITIES** - To assist employees, supervisors and managers should allow scheduling and leave flexibilities as prescribed in PPM Chapters 340 Job Sharing/Part-time Career Employment Program, 610 Hours of Duty, and 630 Absence & Leave available, as feasible. These flexibilities

include using Annual Leave, Advanced Annual Leave, Sick Leave, Advanced Sick Leave, Leave Without Pay (LWOP), Excused Absence (Administrative Leave),¹ Family and Medical Leave Act (FMLA), Voluntary Leave Transfer Program, Telework, Flexible Work Schedules (FWS), Compensatory Time Off, Compensatory Time Off for Travel, Absence Without Leave (AWOL), and temporary or permanent part-time tours of duty.²

- B. REQUESTS - Employees may request workplace flexibilities themselves or through a third-party, such as an EAP Coordinator, to a supervisor or manager. Employees are not required to provide personal details, but should provide sufficient information for the supervisor or manager to make an informed decision regarding the requested leave. See PPM Chapter 630 for leave policies. Supervisors or managers are not required to ask for proof, but may accept the employee's statement as credible. If verification is necessary, proof may include a service provider's statement, a protective order, medical records, or police/court reports. Under no circumstance will a supervisor or manager require an employee to contact law enforcement or otherwise report the violence as a condition for accessing leave. To do so could place victims in greater danger.

5. DISCIPLINARY ACTIONS AND LEGAL IMPLICATONS

- A. EMPLOYEES AS PERPETRATORS - As a misconduct matter, all incidents involving employees as perpetrators must be reported immediately to the Chief of Staff (CoS) via the Human Resources Officer (HRO) for appropriate guidance and direction. Instances of domestic violence, sexual assault, and/or stalking that occur within the workplace, at an official duty station, or at an agency sponsored event will be dealt with expeditiously within established personnel policies and disciplinary guidelines in PPM Chapter 752 Discipline & Adverse Action. Civil service laws permit an agency to place an employee on indefinite suspension, if the agency has reasonable cause to believe the employee has committed a crime for which the employee could be imprisoned. Title 5 USC § 7513(b)(1) permits agencies to dispense with the usual notice periods when the "reasonable cause" standard, as interpreted by the Merit Systems Protection Board and courts, has been met. An example of an indefinite suspension proposal notice is in Appendix A.

¹ OPM advises the granting of excused absence for purposes related to domestic violence, sexual assault, or stalking issues be limited to those situations in which the employee's perpetrator poses a threat to the employee and/or his or her co-workers in the workplace. It is essential for the agency to consider the safety of all employees and to avoid disruption in the workplace. Generally approved paid leave or LWOP will be granted.

² Employees missing work as a result of domestic violence, sexual assault or stalking may substitute a form of approved paid leave upon return to work and with supervisory approval.

- B. **EMPLOYEES AS VICTIMS** - Problems related to domestic violence, sexual assault, and/or stalking are very personal, meaning most employees may not (nor are they obligated to) share this private information with a supervisor or manager. However, some of the behaviors (e.g., tardiness, frequent absences, health issues, lack of concentration, etc.) displayed by persons experiencing such distress are often addressed as disciplinary issues. To avoid re-victimizing the employee, it is of utmost importance that supervisors and managers (1) be aware of the warning signs of the behavior, and (2) encourage persons exhibiting such behavior to seek counseling through the Employee Assistance Program (EAP). Further, SSS may not discriminate against victims of domestic violence, sexual assault, and/or stalking in hiring, staffing, discipline, or other terms and conditions of employment. Supervisors and/or managers should consult with the HRO and Equal Employment Opportunity (EEO) Officer prior to taking action in these circumstances. Refer to the Equal Employment Opportunity Commission publication, [Questions and Answers: The Application of Title VII and the ADA to Applicants or Employees who Experience Domestic or Dating Violence, Sexual Assault, or Stalking](#).
- C. **SITUATIONS INVOLVING EMPLOYEES IN THE SAME WORKPLACE**- Supervisors and/or managers must use caution when the alleged perpetrator and victim are Federal employees in the same building, campus, or work unit. If a protective order has been issued, then the SSS should consider options to allow the respondent (alleged perpetrator) to come to work; and, issue a Memorandum of Instruction to both parties outlining the agency's and employees' obligations to avoid contact while performing the functions of his/her position. Similarly, if an alleged perpetrator has not been suspended pending the outcome of an investigation, provisions should be made to separate the alleged perpetrator and victim in the workplace when a protective order has not been issued. Both alleged perpetrators and victims may seek EAP services.
- D. **SITUATIONS INVOLVING CONTRACTORS** - Concerns regarding the conduct of contractor employees should be reported to the contracting officer or contracting officer's representative, agency security personnel or law enforcement depending upon the infraction. If a contractor is a victim, the same workplace security precautions taken for Federal employees should be applied.
- E. **CONFIDENTIALITY** - The SSS recognizes a victim's right to privacy and the need for confidentiality and autonomy. Supervisors and managers must treat all information related to victims or alleged perpetrators as confidential to the extent permitted by law, except when maintaining confidentiality could compromise the security of the workplace or

compromise an ongoing criminal investigation. If required to disclosed confidential information, SSS will make every effort to provide advance notice to the employee:

- (1) The information that will be disclosed;
- (2) The circumstances requiring the disclosure; and,
- (3) To whom the information will be disclosed.

This is to protect the safety and identity of victims; and, provide due process for alleged perpetrators. Supervisors and/or managers must maintain written information and/or documents separate from personnel files and dispose of it when the incident is resolved. All information and/or documentation are considered Sensitive, Personally Identifiable Information (PII) that must be: (1) maintained in a safe or locked container, and (2) destroyed using an approved shredder or burn bag.

6. **TRAINING, AWARENESS, AND EMPLOYEE ASSISTANCE PROGRAM (EAP)**

- A. **SUPPORT AND ASSISTANCE** - Employees are encouraged to seek the services of the Employee Assistance Program (EAP) on their own (self-referral) or by supervisory referral, if they are experiencing or have experienced domestic violence, sexual violence, or stalking. Coworkers, supervisors and managers are reminded not to be judgmental or offer unsolicited advice.
- B. **EMPLOYEE ASSISTANCE PROGRAM (EAP)** - EAP services are available to employees and their family members impacted by domestic violence, sexual assault, and stalking regardless of where these incidents occur. Confidential services are provided for SSS employees by [COPE Inc.](#) Contact the EAP Counselor at 202-628-5100 or 1-800-247-3054. Supervisors and/or managers may refer an employee for EAP services using the [EAP Supervisory Referral Form](#). It is essential that supervisors and/or managers refer employees to the EAP counselor who is trained to determine the employee's needs, offer trauma-informed care/support, and devise a plan to resolve workplace issues. The EAP Counselor may also assist supervisors/managers in working with building security, as required, to ensure the safety of a victim and the workforce.
- C. **REFERRALS AND RESOURCES LIST.** National resources include:
 - (1) National Domestic Violence Hotline – 1-800-799-7233 or TTY 1-800-787-3224. <http://www.thehotline.org/>
 - (2) National Sexual Assault Hotline – 1-800-656-HOPE (1-800,656-4673) or click for the [Online Hotline](#).

- (3) In addition to EAP referrals, each Region Administrative Officer should maintain a list of local resources.
 - (4) Employees and supervisors are encouraged to review [OPM Work-Life Reference Materials](#).
- D. **WORKPLACE AWARENESS AND OUTREACH.** Employees must follow office protocol procedures in Appendix B to preclude providing perpetrators information that may unwittingly cause harm to a victim and/or coworkers. Information and links to resources related to domestic violence, sexual assault, and/or stalking are posted on the SSS Intranet.
- E. **TRAINING.** The SSS EAP contractor, COPE Inc., provides an online EAP Employee Orientation; and, training modules for managers and employees on Sexual Harassment, Diversity & Discrimination, Professional Ethics, and Workplace Violence. Self-assessments tools to assist employees with financial issues; and, measure stress, risks and goals are also available. The links follow:
- (1) [EAP Employee Orientation](#)
 - (2) [Training for Managers](#)
 - (3) [Training for Employees](#)
 - (4) [Self-Assessment Tools](#)

7. BUILDING SAFETY AND SECURITY

- A. **STRATEGIC SOLUTIONS.** SSS Directive 700-18, SSS National Headquarters (NHQ) Emergency Evacuation Plan of September 7, 2011, provides general emergency procedures for natural and/or man-made disasters at the NHQ office. Specifically, para. 4.F (6) other threats provides guidance on how to respond to violence towards or attacks on employees. Region Directors and the Data Center Manager should work with the Federal Protective Service (FPS), host agencies, building security, and/or law enforcement personnel, as appropriate, to provide local emergency contacts and ensure similar local Emergency Evacuation Plans are in place to address such incidents. Within 60 days of issuing this chapter, Region Directors and the Data Center Manager should forward a copy of local Emergency Evacuation plans to HRO. For activities co-located with other Federal agencies, the host agency's plans that meet the criteria of this section may be submitted. Emergency Plans should be reviewed and updated, as needed, biennially.
- B. **DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING RESPONSE TEAM.** The CoS, HRO, and General Counsel will take the lead in forming a team to investigate incidents, as required.

- C. **SAFETY PLANNING.** To facilitate safety, all SSS employees are to follow local Emergency Evacuation Plan procedures for notifying local Fire or law enforcement, the Emergency Response Team, building staff, and/or base operations. All SSS locations will maintain an emergency email notification system to provide an initial announcement to all employees as soon as practicable during an emergent situation. Employees will also await instructions on when it is appropriate to shelter in place or evacuate the building.
- D. **PHYSICAL LAYOUT OF WORKSITE.** Senior managers responsible for the personal and physical safety of employees at headquarters and field locations will work with the Federal Protective Service (FPS), host agencies, building security, and/or law enforcement personnel, as appropriate, to ensure spaces accessible to the public do not pose a danger to a victim or the workforce.
- E. **COMPUTER TECHNOLOGY CONCERNS.** For incidents that occur within the SSS, the victim's supervisor and the Chief Information Officer (CIO) are notified of a potential violation of SSS ITSP-01, Limited Personal Use Policy of Government Equipment Including Information Technology of April 2014. An employee who uses agency equipment to engage in harassing or stalking behavior is subject to disciplinary action up to and including removal from Federal service. The CIO will take the lead in investigating incidents that originate outside of SSS networks.
- F. **FIREARMS AND WORKPLACE SAFETY.** Under certain provisions of the Federal Gun Control Act, persons subject to a qualifying protection order (18 U.S.C. § 922 (g)(8)) or convicted of a qualifying misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(9)) are prohibited from possessing firearms or ammunition. In addition, Federal law prohibits the knowing possession of, or the causing to be present of, firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by 18 U.S.C. § 930(d). (See 41 C.F.R. § 102-74.440.)
- G. **WORKING WITH LOCAL LAW ENFORCEMENT.** Appropriate SSS, building or base security personnel may determine local law enforcement agencies should be contacted when there is a risk of violence that could affect one or more employees. Local police may have information that could be helpful in assessing the level of threat against an employee while he or she is at work. For example, they may have dealt with the perpetrator in the past and are familiar with his or her patterns of violence. Taking into consideration confidentiality concerns, it is critical to inform victims that the police will be notified. Link to FPS area offices: <http://www.dhs.gov/report-suspicious-activity-federal-protective-service>.

- H. **PROTECTION AND RESTRAINING ORDERS.** Agencies should recognize a victim may seek an order of protection or may receive a restraining order as part of his or her efforts to become safe and as part of his/her workplace safety plan. It is important to recognize the workplace may or may not be included in an order as a location from which a perpetrator must remain away. If an employee chooses to disclose the existence of a protection or restraining order, the agency, whenever possible (as determined in consultation with legal counsel), should assist the employee in enforcing his/her order. Agencies should maintain such orders in a confidential and separate file from employee's personnel file, and, if applicable, should assist the employee in gathering documentation from the workplace, such as email or voicemail messages, which could assist the employee's efforts to obtain or maintain safety from a perpetrator. Agencies must consider the confidentiality and Privacy Act implications of retaining records.
- I. **SUGGESTED SAFETY STEPS FOR VICTIMS.** Employees who may be victims are strongly encouraged to:
- (1) Save threatening email or voicemail messages. These messages may be used as evidence if an existing restraining order was violated or for future legal action.
 - (2) Ensure any protection or restraining orders include the workplace and/or alternative worksites. The employee should keep a copy of the order with him/her at all times and provide a copy to the agency's security office, their supervisor, HR, local law enforcement, and/or other appropriate offices. If available, a picture of the perpetrator should be provided, as well.
 - (3) Identify and provide the names of at least two emergency contact persons in case the employer is unable to contact the employee. The employee understands these emergency contacts will be contacted when an unexplained absence occurs. It is essential employees in such circumstances promptly notify supervisors/managers of all absences.

8. **ACCOUNTABILITY**

- A. **APPOINTING A POINT OF CONTACT.** As a small agency, the SSS does not have an onsite Employee Assistance Program (EAP). Therefore, the HRO, as the EAP liaison, is the SSS point of contact for this issue.
- B. **MONITORING AND EVALUATING AGENCY RESPONSES AND RESULTS.** Supervisors and/or managers should report incidents confidentially to the HRO using the Domestic Violence, Sexual Assault, and Stalking Checklist: Threat Assessment in Appendix C. Annually, the HRO in consultation with the CoS and General Counsel will review

incident reports and disciplinary actions that involve domestic violence, sexual assault and/or stalking to determine if agency policies need strengthening. PII should be removed from all summary reports.

- C. EVALUATIONS. The HRO will prepare and submit to the Director via the CoS an annual review using the Annual Review Checklist in Appendix D.

APPENDIX A

Selective Service System Letterhead

Indefinite Suspension Proposal Notice

Date

MEMORANDUM FOR TYPE NAME/TITLE IN CAPS

FROM: TYPE NAME/TITLE IN CAPS

SUBJECT: Proposal of Indefinite Suspension

This is notice that I propose that you be suspended without pay for an indefinite period of time from your position as _____. The information in the record indicates that there is reasonable cause to believe you may have committed a crime for which a sentence of imprisonment may be imposed. Accordingly, as provided by 5 U.S.C. § 7513(b)(1), you are being provided seven days' advance notice of this proposed action. The proposed suspension, if instituted, will be effective no earlier than seven (7) calendar days following the date of your receipt of this notice. Should this proposal result in an indefinite suspension, it will remain in effect until the conclusion of your criminal proceedings, or until there is sufficient evidence to either return you to duty or to support an administrative action against you. The basis for this proposed indefinite suspension is Criminal Docket Case#: [cite if available]

The alleged criminal conduct of _____ is serious in nature, has a direct relationship to your Federal employment and the duties you perform, and calls into question your trustworthiness. Your position as _____ requires you to [state specific purpose]. The offenses described in the charge above are antithetical to the duties required of you in your Selective Service System (SSS) employment in that [explain how the public trust reposed in the employee has been breached by such conduct, how such conduct relates to the employee's duties, and/or how such conduct impacts the Agency's ability to trust the employee to carry out his or her duties in the future.]

I have considered the fact the SSS has a formal table of penalties, which provides for an indefinite suspension where an employee has engaged in "conduct which causes the employee to be indicted or charged with a criminal offense that is related directly to the duties of the employee's position or the mission of the Agency and for which a sentence of imprisonment may be imposed." Based upon the foregoing, I have considered your retention in an active duty status or any pay status is not in the

best interest of the SSS. This action is being taken to promote the efficiency of the Federal Service.

You will receive a final written decision on this proposal. If you are indefinitely suspended, the decision notice will inform you of the date on which your suspension without pay (non-pay, non-duty status) will begin. You have the following rights in connection with this proposed action:

To Reply: You may answer this notice orally, in writing, or both. You should send any written reply to: [Deciding Official, Mailing Address].

You will be allowed seven (7) calendar days from the date you receive this notice to submit your written response. If you need an extension of the time limit for a reply, you may submit a written request to _____. Should you wish to make an oral reply, please telephone [HR Specialist, Phone] within seven (7) calendar days upon receipt of this notice to schedule a time to present your oral reply. You may also submit affidavits and other documentary evidence in support of your answer.

To Be Represented: You are entitled to be represented by an attorney or other representative in this matter. Both you and your representative must complete and sign the enclosed "Memorandum for Designation of Representative" form and fax it to: [HR Specialist, Fax].

Should you choose to seek representation, we have enclosed an additional copy of this proposal letter.

To Review Materials: You and/or your representative may review all the materials relied upon to support the reasons contained in this notice. You may arrange to do so by telephoning [HR Specialist, Phone].

Status During Notice Period: You will continue to be carried in a non-duty, pay status (administrative leave) during the notice period, and until further notice. Therefore I am instructing you that during this period you are not to return to SSS grounds for any purpose.

[The deciding official] will issue a decision as soon as possible after [he/she] receives your reply to this notice, or after the expiration of the 7 calendar day period should you not respond.

Any change in your address or telephone number needs to be reported to me so SSS may continue communicating with you about the status of your employment. Should you have any questions about the contents of this notice or your rights in connection with it, please contact [HR Specialist, Phone].

Sincerely,
[Senior Manager Level]

APPENDIX B

Office Protocol

1. **REQUESTS FOR INFORMATION.** Employees should not provide personal information to identified or unidentified persons inquiring in person, calling on the phone, or emailing to request information (such as name, telephone number (s), home or work address, type of car, vacation dates, etc.) regarding a current or former coworker.
2. **ACCESSING BUILDING OR OFFICE SPACE.** Employees should not admit persons to the building or work spaces they do not know personally. The visitor should be instructed to follow the normal admission procedure, which is to call the person he/she wishes to visit beforehand to arrange to be met by someone authorized to admit persons without badges. This includes employees' relatives unless the employee has specifically asked you to admit someone by name.

APPENDIX C

Domestic Violence, Sexual Assault, and Stalking Checklist: Threat Assessment

All reports of threatening or violent conduct should be taken seriously and evaluated. While the method of evaluation, screening, and assessment will vary depending upon the size of the agency and security operation, as well as the nature and severity of the threat, the list below is a good guideline. If an employee self-discloses domestic violence, and it appears that he or she may be in immediate danger, call 911. A threat assessment should take place, if the danger is present, but not urgent. An agency must decide who should conduct the assessment, whether it should be security, a human resources representative, or a manager. Be sure to let the employee know only certain information will be shared with human resources, security and other key people within the organization to ensure his or her safety.

Call 911 if you are ever in immediate danger.

1. What is the situation? Please explain the details.
2. Has "*your significant other*"³ made any threats?
3. What type of abuse have you been exposed to?
4. Have there been any harassing phone calls?
5. Have there been any harassing phone mail messages? If so, have they been deleted? (Explain how the organization can help screen and/or record them).
6. Are your co-workers aware of the situation? If so, who are they and what has been given to them?
7. Does "*your significant other*" know where you work? Has he/she visited the facility in the past?
8. Does "*your significant other*" have a history of violence? If so, please explain each situation.
9. Do you think you or others are in danger here? (The victim knows best what the abuser is capable of.)
10. Does "*your significant other*" possess any type of firearms or weapons? If so, are they registered? Please describe the type (handgun, shotgun, assault rifle, etc.)

³ Refer to the perpetrator by the same name or description the threatened person uses as the situation may not involve a significant other.

11. What is the status of your relationship?
12. Have you contacted the EAP or a domestic violence program in the community?
13. Can I help you gather or provide you with the numbers of local domestic violence resources?
14. Has a report been filed with the police? If so, please provide a copy of the report.
15. Has an order of protection been issued? If so, please provide us with a copy. If not, will one be filed?
16. Can you provide us with a description and current picture of the abuser?
17. What is your need for safety NOW?
18. Do you need time off to attend court?
19. Do you need more extended leave to find safe housing or address other safety concerns?
20. Do you need time off or flexible hours to arrange for childcare?
21. Do you need to be escorted to and from your car/public transportation?
22. Do you need to change your hours or location?
23. Do you have the confidential security hotline handy?
24. Do you have a safety plan? If not, it would be a good idea to work with a domestic violence counselor to create one.
25. Do you feel safe at work? Has your significant other/spouse/partner (use the term the victim uses) made any threats, specifically to hurt you at work?
26. Do you need any further assistance?

At this point, if there is no threat to the safety of the victim at work, offer referrals to local domestic violence counselors and/or the EAP. Each case is different and responses must be tailored to the circumstances. When the threat assessment process determines that a high level of planning or response is needed, the more intensive step of gathering the Domestic Violence, Sexual Assault, and Stalking Response Team should be taken. Always consult your security department, the police or other experts to help you make an accurate threat assessment.

Source: Safe@Work Coalition. 2012

<http://www.incasa.org/PDF/2012/safeatworkcoalition.pdf>

APPENDIX D

Annual Review Checklist

The following checklist outlines information to consider in monitoring the effectiveness of strategic responses to domestic violence, sexual assault, and stalking. It is important to keep in mind that documenting such events may come across as a rise in incidents of violence. In actuality, any increase in the number of incidents may be a reflection of insufficient past reporting.

Set up a system for reporting the following and review these reports at least annually:

1. Number of employees and managers receiving training or educational information on domestic violence, sexual assault, and stalking (including sexual harassment, see Fact Sheet: What is Workplace Violence?)
2. Number of employees requesting information, referrals, or time off for needs relating to domestic, sexual assault, and stalking
3. Number of orders of protection or restraining orders (in aggregate form) given to management by employees or taken out by the employer in consultation with employee (see Protection Order Guide)
4. Number and/or percentage of employees requesting help for domestic violence, sexual assault, and stalking through employee assistance services
5. Records of threat assessment and violence prevention actions related to domestic violence, sexual assault, and stalking, specifically plans made to respond to domestic violence, sexual assault, and stalking threats and/or prevent incidents of sexual harassment and violence (see Safety and Security Concerns)
6. Incident reports of any violent events that involved employees or others at work
7. Changes to policies or procedures that were implemented during the last year

A review of the above information should provide a snapshot of activities over the year and a comparison for any prior year's activities. Use the information to plan necessary changes to increase awareness of helpful responses to domestic violence, sexual assault, and stalking.

Source: Adapted from Workplaces Respond to Domestic Violence and Sexual Assault. 2012. <http://www.workplacesrespond.org/>

APPENDIX E

References

1. [OPM Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies of February 2013](#)
2. [Presidential Memorandum, Establishing Policies for Addressing Domestic Violence in the Federal Workforce of April 18, 2012](#)
3. [Presidential Memorandum, Enhancing Workplace Flexibilities and Work-Life Program of June 23, 2014](#)
4. [Dealing with Workplace Violence](#)
5. SSS Directive 700-18 SSS National Headquarters Emergency Evacuation Plan
6. Region I Instruction RI 14-11 Region Headquarters Emergency Evacuation Plan
7. PPPM Chapter 340 Job Sharing/Part-time Career Employment Program
8. PPPM Chapter 610 Hours of Duty
9. PPPM Chapter 630 Absence & Leave
10. PPPM Chapter 713 Equal Employment Opportunity
11. PPPM Chapter 752 Discipline & Adverse Actions
12. PPPM Chapter 790 Health Services Program
13. ITSP-01 Limited Personal Use Policy of Government Equipment Including Information Technology, April 2014

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 810

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 810

INJURIES, CLAIMS, COMPENSATION AND MEDICAL CARE

1. INTRODUCTION. The Federal Employee's Compensation Act (FECA) (Title 5 U.S. Code 8101 et seq.) provides compensation and medical care for all civil officers and employees of the Selective Service System for disability due to personal injuries sustained while in the performance of duty. The term "injury" includes, in addition to injury by accident, a disease proximately caused by the employment. The law also provides for the payment of funeral and burial expenses and compensation for the dependents if the injury or disease causes the employee's death. (See FPM 810, 1-1). A Selective Service employee who is injured while in the performance of duty has no right to recover damages from the United States for the effects of the injury except through the FECA. The benefits provided by the Act constitute the exclusive remedy for work-related injuries of deaths. (See FPM 810, 1-2)
2. FORMS. Supervisors are expected to maintain an adequate supply of the basic forms needed for the proper recording and reporting of injuries. Form CA-136, obtainable from the Office of Workers Compensation Programs (OWCP), lists the forms to be stocked at National Headquarters, Region Offices and the Data Management Center and it also tells where the forms may be obtained. The basic forms cited are:

<u>FORM #1</u>	<u>TITLE</u>
(1) CA-1	Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.
(2) CA-2	Federal Employee's Notice of Occupational Disease and Claim for Compensation.
(3) CA-2a	Notice of Employee's Recurrence of Disability and Claim for Pay Compensation.
(4) CA-3	Report of Termination of Disability and/or Payment.
(5) CA-4	Claim for Compensation on Account of Occupational Disease.
(6) CA-5	Claim for Compensation by Widow, Widower, and/or Children.

(7)	CA-5b	Claim for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren.
(8)	CA-6	Official Superior's Report of Employees Death.
(9)	CA-7	Claim for Compensation on Account of Traumatic Injury.
(10)	CA-8	Claim for Continuing Compensation on Account of Disability.
(11)	CA-16	Request for Examination and/or Treatment.
(12)	CA-17	Duty Status Report.
(13)	CA-20	Attending Physician's Report.
(14)	CA-20a	Attending Physician's Supplemental Report. (See FPM 810, 1-3)

3. PENALTIES. Any person who makes a false statement to obtain Federal employee's compensation or who accepts compensation payments to which he or she is not entitled is subject to a fine of not more than \$2,000 or imprisonment for not more than one year, or both. Any person charged with the responsibility for making reports in connection with an injury who willfully fails, neglects, or refuses to do so; knowingly files a false report, induces, compels, or directs an injured employee to forego filing a claim; willfully retains any notice, report or paper required in connection with an injury, is subject to a fine of not more than \$500 or imprisonment for not more than one year, or both. (See FPM 810, 1-4)

4. STATUTORY TIME REQUIREMENTS

a. Notice of Injury or Death

- (1) Traumatic Injury. In the case of a traumatic injury or death due to a traumatic injury notice of such injury or death must be given pursuant to Title 5 U.S. Code 8119, et seq., and FPM 810-2, within 30 days from the date on which the injury or death occurred. The failure to give notice within the period specified may result in a loss of compensation rights.
- (2) Occupational Disease. In the case of the onset of an occupational disease or disability, notice of such onset or death shall be given within 30 days from the date on which the employee has been informed by competent medical authority or by the exercise of reasonable diligence, should have been made aware that he or she is suffering from an occupational disease or disability.

- (3) Death. In the case of death, notice is required within 30 days from the date of such death. In the case of death due to an occupational disease or disability, the 30-day period specified in this section does not apply until such time as the deceased employee's survivors or official superior should by the exercise of reasonable diligence be aware that the employees' death was due to an employment related occupational disease.
- (4) Failure to Give Notice. The failure to give notice within the time period specified by this section may result in a loss of compensation rights.
(5 U.S. Code, 8122)

b. Claim for Compensation

- (1) Claim for Disability Compensation. An injured employee is required to file a written claim for compensation within three years after the injury before compensation may be paid. If, however, the supervisor had actual knowledge of the injury within 30 days, or if written notice was given within 30 days, compensation is allowed regardless of whether a written claim was made within three years after the injury. Actual knowledge must be such as to put the supervisor reasonably on notice of an on-the-job injury or death.
- (2) Claim for Death Compensation. If the employee dies, a written claim for compensation by or on behalf of the dependents is required before compensation may be paid. This claim is to be filed within three years after the death, unless within 30 days the supervisor had actual knowledge of the death, or written notice was given to the supervisor within 30 days. Also, the timely filing of a disability claim because of an on-the-job injury will satisfy the time requirements for a death claim based on the same injury.
- (3) Minors and Incompetents. The time limitations do not apply to:
 - a minor until attaining the age of 21 or a legal representative is appointed and;
 - an incompetent during the period of incompetency and there is no duly appointed legal representative.
- (4) Exceptional Circumstances. The time limitations do not apply in the case of an individual whose failure to comply is excused on the ground that such notice could not be given because of exceptional circumstances. (See FPM 810,2.)

5. BENEFITS

- a. Medical Care. An injured employee is entitled to first aid and medical care for an injury; this includes hospital care when needed. The medical care may be provided by any duly qualified local private physician or hospital of the employee's choice. When travel is necessary to receive medical care, the injured employee may be furnished transportation and may be reimbursed for travel and incidental expenses. (See FPM 810, 3-1.)

b. Temporary Total Disability

- (1) Continuation of Pay - Traumatic Injury. An employee who sustains a disabling, job-related traumatic injury is entitled to continuation of regular pay for a period not to exceed 45 days. This does not apply to occupational diseases or illnesses. However, in no event shall this be construed as requiring continuation of a person's employment beyond the date it would have terminated had the employee not been injured. The agency must continue the employee's pay unless the claim falls in one of the categories listed in sections 5.2.2 and 5.2.3. This pay is subject to income tax, retirement, and other deductions. It should be noted that any other benefit, including medical care, is considered to be compensation.

- A traumatic injury is defined as a wound or other condition of the body caused by external force, including stress or strain. The injury must be identified as to time and place of occurrence and member or function of the body affected; and be caused by a specific event or incident or series of events or incidents within a single day or work shift.

- Traumatic injuries are distinguished from occupational diseases or illnesses in that the latter are produced by systemic infections; continued or repeated stress or strain; exposure to toxins, poisons, fumes etc., or other continued and repeated exposure to conditions of the work environment over a longer period of time.

- Traumatic injuries also include damage or destruction to prosthetic devices or appliances, exclusive of eyeglasses and hearing aids unless the eyeglasses and hearing aids were damaged incidental to a personal injury requiring medical services. (See FPM 810, 3-2)

(2) Computing Pay

For a regular full-time or part time worker, in the regular work force of the System, who works the same number of hours per week, the weekly pay rate will be equal to the number of hours regularly worked each week times the hourly pay rate on the date of the injury, exclusive of overtime.

- For a regular part-time worker, in a regular work force of the System, who does not work the same number of hours per week, the weekly pay rate will be the average weekly earnings for the one-year period prior to the date of the injury, exclusive of overtime.

- For an irregular, when actually employed (WAE), intermittent, etc., worker who is not a part of the System's regular full-time or part-time work force, the weekly pay rate will be the average of the employee's weekly earnings during the one year prior to the injury, but must not be less than 150 times the average daily wage earned within one year prior to the date of injury. (The daily wage rate shall be the hourly rate times eight). Premium, night or shift

differential, Sunday or holiday pay, or ther extra pay must not in any instance (i.e., either regular or irregular employment) be made a part of the continuation of pay.

- (3) Conversion of Traumatic Injury. The agency will, on the basis of the information submitted by the employee, or secured on investigation stop the employee's pay if the claim falls into one or more of the categories listed in section 5.2.3. In all other cases, the System may stop pay; however, the employee's regular pay will not be interrupted during the 45-day period, unless the stop action is sustained by the OWCP and until the agency is so notified.
- (4) Stopping or Termination of Pay. The agency may stop or terminate pay only if:
- The disability is a result of an occupational disease or illness; or
 - The employee is neither a citizen nor resident of the United States or Canada (i.e., a foreign national employed outside of the United States or Canada); or
 - the injury occurred off the System's premises and the employee was not involved in official "off premises" duties; or
 - the injury was caused by the employee's willful misconduct; the employee intended to bring about the injury or death of himself or another person; or the employee's intoxication was the proximate cause of the injury; or
 - The injury was not reported on Form CA-1, within 30 days following the injury; or
 - The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, Work Study Programs or other similar groups; or
 - Persons whose employment status for compensation purposes is determined under Title 5 U.S. Code 8101(1)(B), are excluded from continuation of pay for the 45-day period. Such persons render personal service to the United States, similar to civil officers and employees of the United States, but they work without pay or for nominal pay. These persons generally are not carried in a regular, continuing pay status and they frequently serve as consultants, volunteers or contract employee; or
 - Work stoppage first occurred six months or more following the injury; or
 - The employee initially reports the injury after his/her employment has terminated.

- (5) Employees Excluded From 45-Day Period. In all instances, where persons listed above are otherwise entitled to compensation, but are excluded from continuation of pay for the 45-day period, their entitlement to FECA compensation payments will begin from the date of pay loss, subject to other applicable sections of the FECA. (See FPM 810, 3-2a.(4))
- (6) Evidence in Support of Stoppage of Pay. The System may stop a claim by (a) completing the indicated portion of Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation and (b) by submitting detailed information in support of the stoppage to the OWCP.
- (7) Continuing Pay after Work Stops. Where pay is continued after the employee stops work due to a disabling injury, it must not be interrupted until:
- The System receives medical information from the attending physician to the effect that the employee is no longer disabled; or
 - The System receives notification from the OWCP that pay should be terminated; or
 - At the expiration of 45 days.
- (8) 45 Days are Calendar Days. The 45 days are interpreted as calendar days and if the employee has stopped work due to the disabling effects of the injury, the period starts at the beginning of the first full day of first shift on which the disability begins (the System will keep the employee in a pay status for any fraction of a day or shift on which the disability begins with no "charge" to the 45-day period). If the employee stops work for only a portion of a day or shift (other than the day shift when disability begins), such day or shift will be considered as one calendar day. If the employee is not immediately disabled due to the injury, the 45 days will begin on the first full day or the first full shift when disability begins. (See FPM 810, 3-2, a.(7))
- (9) Absence on Weekend and Holidays. If an employee is absent due to the disability immediately prior to the close of business on Friday and also absent at the opening of business on Monday, Saturday and Sunday are counted towards the 45-day allowance. If a holiday falls on Monday and the employee was absent due to disability on Friday at the close of business and on Tuesday at the opening of business, the holiday would count towards the 45-day allowance.
- (10) Incorrect Pay Rate. Where pay is continued at a rate subsequently determined by OWCP to be incorrect, the OWCP will notify the agency of the correct pay rate and the System will make the necessary adjustment.

c. Responsibility of Compensation Beneficiary - Traumatic Injury.

- (1) - When an employee sustains a traumatic, disabling injury in the performance of duty, the employee or someone acting on his/her behalf must give a written report on form CA-1 to his/her supervisor within two working days following the injury. It must be shown on the form whether the employee wishes to receive sick leave or annual or request continuation of regular pay for the period of disability.
- (2) - Upon reporting the injury, the employee will be authorized to obtain medical treatment (Form CA-16) if required. If treatment is obtained, the employee must inquire from the treating physician the earliest date that he/she is able to return to work.
- (3) - A Duty Status Report, (Form CA-17) will be used to obtain interim medical records concerning the employee's duty status. If, during the 45-day period, the treating physician indicates the employee is able to return to work but he refuses to do so, the continued absence from work will result in an overpayment. The period of absence from the job which resulted in the overpayment will be determined by the OWCP in the course of adjudication of the claim. The supervisor and the employee will be notified of the period of disability which is approved by the OWCP and the supervisor may then require the employee to resolve any overpayment.
- (4) - If medical evidence shows disability is expected to continue beyond 45 days and compensation is desired after expiration of the period, Form CA-7, must be completed and filed with the appropriate OWCP district office not more than five working days after the termination of the 45 day period. (See FPM 810, 4-5)

d. Responsibility of Compensation Beneficiary - Nontraumatic Injury. An injured employee, or someone acting on the employee's behalf, is required to give notice of injury and file claim for compensation for disability within the time specified by the compensation law. Form CA-2 is provided for this purpose. If the injured employee dies, dependents are required to file a claim for compensation for death within the specified time, with the exception that the timely filing of a disability claim because of an on-the-job injury will satisfy the time requirements for a death claim based on the same injury. Notices and claims are to be filed with the employee's supervisor who will, when required to do so by the regulations for the administration of the compensation law, submit the notice and claim to the proper OWCP district office. The person claiming benefits must thereafter submit any other reports and proof that OWCP may require. (See FPM 810, 4-6)

e. Responsibility of Supervisor (Also refer to section 7.c)

(1) Traumatic Injury Cases

- Upon receiving notice that an employee has sustained a job-related traumatic injury, the supervisor will promptly authorize medical care in accordance with section 7.a.

- Provide the employee with Form CA-1 for reporting the injury and upon receipt of the completed form, return to the employee the "Receipt of Notice of Injury".
- Advise the employee of the right to elect continuation of regular pay or use annual or sick leave, if the injury is disabling, and notify the appropriate payroll office of the employee's election.
- Inform the employee whether continuation of pay will be stopped and if so, the basis for such action.
- Submit Form CA-1, completed by both employee and supervisor, together with all other pertinent information and documents to the appropriate OWCP district office through the agency office maintaining the employee's OPF. This must be done within two working days of supervisor's receipt of the form from the employee.
- If the supervisor stops the claim, explanation for the conversion will be submitted on the supervisor's portion of Form CA-1 and by separate narrative if needed, to the appropriate OWCP through the office maintaining the employee's OPF.
- Report to the appropriate OWCP through the office maintaining the employee's OPF, injury resulting in probable disability or death, and thereafter, make any additional reports required by the regulations.
- Ensure that National Headquarters receives copies of all documents relating to the proceedings cited in this section.

(2) Occupational Disease Cases

- Upon receiving notice that an employee has sustained an occupational disease, the supervisor before authorizing medical care will follow the instructions contained in section 7.a below.
- Provide the employee with Form CA-2 for reporting the occupational disease and upon receipt of the completed form return to the employee the "Receipt of Notice of Injury."
- Advise the employee to furnish supporting medical and factual information requested on the Instruction Sheet, attached to the CA-2. If possible, this information should accompany the form when it is submitted to the OWCP through the office maintaining the employee's OPF. Submission of the form to the OWCP should not be delayed more than 10 working days, following receipt from the employee.
- Advise the employee of the right to elect sick or annual leave pending adjudication of the claim by the OWCP. He should then notify the appropriate payroll office of the employee's election. (See FPM 810, 407).

6. Representation. A claimant may be represented by a Federal union official or other individual on any matter pertaining to an injury or death occurring in performance of duty. Such representation should be authorized in writing by the claimant. No claim for legal services or for other services rendered in respect to a case, claim or award of compensation shall be valid unless approved by the OWCP. (See FPM 810, 4-8.)

7. MEDICAL CARE

a. Authorizing Examination and Treatment

- The supervisor shall immediately authorize examination and appropriate medical care when an employee is injured by accident while in the performance of duty. Form CA-16, Request for Examination and/or Treatment, should be issued to a United States medical officer or hospital, or any duly qualified physician or hospital of the employee's choice. The term United States medical officer and hospital includes medical officers and hospitals of the Army, Navy, Air Force, and Veterans Administration, and the U.S. Public Health Service. The medical facilities of the Public Health Service are usually available for the care of injured Federal employees. The medical facilities of the Army, Navy, Air Force, and Veterans Administration may be used when previous arrangements have been made on a case-by-case basis with the director of the hospital or clinic.

- Federal health service units or other occupational health service facilities established under the provisions of Title 5 U.S. Code 7901 are not United States medical officers and hospitals as used herein. Those health service units or occupational health service facilities can only provide emergency diagnosis and first (initial) treatment of injury or illness that become necessary during working hours and that are within the competence of the professional staff and facilities of the health service unit or facility. Any other treatment and medical care by these units or facilities for an employment-related injury or illness must be specifically authorized by a physician providing medical care under the specific authorization of OWCP. Such authorization is provided by release of Form CA-16. In effect, Form CA-16 may only be released to a U.S. Public Health Service, Army, Navy, Air Force, or Veterans Administration Medical officer or facility, or to a duly qualified physician.

- The injured employee has the option to initially select a duly qualified private physician or hospital in the area. Generally speaking, the area is defined as within 25 miles of the employing establishment or the employee's home. The supervisor shall give the injured employee an opportunity to select the physician subject to the limitation in the paragraph below. The physician selected by the employee should be contacted by telephone to determine if the physician is available and will accept the employee for treatment. If not, the employee must select another qualified physician. Should the employee wish to change physicians after the initial

choice, the OWCP must be contacted for approval. The employee must submit to OWCP an explanation for his/her desire to change physicians.

- The term physician includes surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors within the scope of their practice and defined by State law. The term physician includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct an abnormal subluxation as demonstrated by X-ray to exist, and subject to regulation by the Secretary of Labor. Naturopaths, faith healers, and other practitioners of the healing arts are not recognized as physicians within the meaning of law.
- If adequate medical facilities are not available locally, OWCP should be contacted for instructions, by telephone if the case is urgent.
- Ensure that National Headquarters (MSP) receives copies of all documents relating to the proceedings cited in this section.

(1) Use of Form CA-16

- Form CA-16 is for the use only for injury by accident. It may be used for disease or illness only with the approval of the OWCP. In disease or illness cases, the agency will contact the appropriate OWCP district office for instructions. In urgent situations, the OWCP district office may be contacted by telephone. An injured employee cannot issue an authorization for examination or treatment, or both, on his or her own behalf.
- Item 6A of Form CA-16 is to be checked when the supervisor has personal knowledge that the employee was injured while in the performance of duty. When this item is checked, the form authorizes all necessary treatment with the exception of elective surgery. Item 6B is to be checked by the supervisor when there is doubt that the employee's disability was caused by an injury while in the performance of duty. This item is also for use in authorizing examination or conservative treatment, or both, in case of disease or illness, providing prior approval has been obtained from the OWCP.

- (2) Emergency Treatment. In case of traumatic injury where emergency treatment is necessary, the employee may contact the nearest qualified physician or hospital for initial treatment. If oral authorization for treatment is given by the supervisor, Form CA-16 should be issued within 48 hours thereafter. Animal bites and eye injuries are among the conditions considered to be medical emergencies. Any necessary further treatment shall be obtained as soon as possible at the employee's option from (1) a United States medical officer or hospital; (2) the physician who provided the emergency treatment; or (3) another qualified local physician of his/her choice. It is the duty of the supervisor to authorize initial adequate medical treatment for acute injuries, inclusive of disease, and to transfer the employee for any subsequent treatment, to the physician in the manner established above. If unable to comply promptly with this

requirement, the supervisor shall communicate with the appropriate district office of the OWCP for instructions.

- (3) Recurrence of Disability. Under certain circumstances the supervisor at his/her discretion, may issue Form CA-16 to authorize examination or treatment, or both, for a recurrence of disability under circumstances from which it may reasonably be inferred the disability is the result of an injury recognized as compensable by OWCP. The supervisor may not authorize examination or treatment when OWCP has disallowed the original claim or when more than six months have elapsed since final action by OWCP. (See FPM 810, 5-1)
- b. Notice of Injury. Immediately after the injury, the employee should give written notice of the injury to the supervisor. Forms CA-1 and CA-2 are provided for this purpose (see section 5.) The notice may be given by someone else if the injured employee is unable to do so. When the supervisor is informed of the injury, the injured employee should be given Form CA-1 or Form CA-2, as appropriate, and should be told to give immediate notice of injury on the front of the form. When the notice of injury is completed by the employee, the supervisor should complete the receipt on the bottom of the instruction sheet attached to the form and give it to the employee. Statements should also be obtained from any witnesses. The form should be sent to OWCP through the System office maintaining the employee's OPF, and a copy retained in the employee's personnel folder as described in Section 7.c below. (See FPM 810, 5-2.)
- c. Report of Injury by Supervisor. The supervisor is required to promptly submit to the OWCP, through the System office maintaining the employee's OPF, a written report of every injury of occupational disease when it is likely to (1) result in a medical charge against OWCP; (2) result in disability for work beyond the day or shift of injury; (3) require prolonged treatment; (4) result in future disability; (5) result in permanent disability; or (6) result in a continuation of pay pursuant to Title 5 U.S. Code 8118. Forms CA-1 or CA-2 are provided for this purpose. The official superior shall also furnish OWCP, through the System office maintaining the employee's OPF, with a report of any investigation and any other statements or data which may properly relate to the circumstances of the injury. If the injury need not be reported to OWCP, the Form CA-1 or CA-2 shall be retained as a permanent record in the employee's official personnel folder. (See FPM 810, 5-3.)
- d. Medical Report. In all cases reported to OWCP it is required that OWCP be furnished with an immediate medical report from the attending physician. This report may be made on part B of Form CA-16, Form CA-20, Form CA-20a, or by narrative report on the physician's letterhead stationary. A "Duty Status Report," Form CA-17, will be used to obtain interim medical reports concerning the employee's duty status. The System will furnish these forms to the employee for completion by the physician at intervals as often as required by the agency. When submitting the Form CA-17, the physician will forward the original to the agency and a copy to the appropriate OWCP district office. (See FPM 810, 5-4.)

- e. Termination of Disability, Pay, or Return to Work. The supervisor is required to notify OWCP, through the System office maintaining the employee's OPF, immediately when the injured employee returns to work or disability ceases. Form CA-3 is provided for this purpose. (See FPM 810, 5-5.)

f. Continuity of Payment.

(1) Traumatic Injury Case

- In order to provide continuity of payment, where disability continue beyond 45 days, the employee and supervisor must complete and file with OWCP through the System office maintaining the employee's OPF, Form CA-7 not more than five working days following the end of the 45-day period.

- Form CA-7 must be accompanied by a medical report showing continued disability for work beyond the end of the 45-day period.

(2) Occupational Disease Cases

- The OWCP requires a claim for compensation before payment may be awarded for pay loss or permanent disability. This is to be made on Form CA-4. The claim should be filed with the OWCP, through the System office maintaining the employee's OPF, within 10 calendar days after pay stops or when disability terminates if the pay loss is less than 10 days.

- A Form CA-4, accompanied by a medical report showing continued disability beyond 10 days, may be filed any time following date pay stops.

- The employee, or someone acting on the employee's behalf is required to complete the employee's portion of the Form CA-4.

(3) Use of Form CA-20

- Both Forms CA-4 and 7 have the medical report Form CA-20 attached. The supervisor should complete items 1-4 on the front and the OWCP district office address on the back of the Form CA-20.

- The Form CA-20 should be carried by the employee, or sent by the supervisor to the attending physician, who should promptly complete and forward the form to the OWCP district office. (See FPM 810, 5-6.)

- g. Claim for Compensation for Continuing Disability. Form CA-8, Claim for Continuance of Compensation on Account of Disability, is provided to claim compensation for additional periods of time after Form CA-4 or CA-7 is submitted to OWCP. While temporary total disability continues, claim on this form is to be submitted every two weeks until the employee is otherwise instructed by OWCP. The injured employee, or someone acting on the employee's behalf, is required to complete and sign Form CA-8 (front). The supervisor should complete the appropriate section of the form. The supervisor should also complete items 1-6 on the front and the OWCP district office

address on the back of the Form CA-20a, which is attached to Form CA-8. The Form CA-20a should then be carried by the employee, or sent by the supervisor, to the attending physician. The physician should promptly complete and forward the form to the OWCP district office, through the office maintaining the employee's OPF. (See FPM 810, 5-7).

- h. Recurrence of Disability. The supervisor is required to notify the OWCP, through the office maintaining the employee's OPF, if after the employee returns to work, the same injury causes any additional work stoppage.

(1) Traumatic Injury Cases

- Should an employee suffer a recurrence of disability, and again stop work, and the initial claim has been approved by OWCP the supervisor shall promptly complete Form CA-2a. The employee shall advise the supervisor whether he/she wishes to continue to receive regular pay or charge the absence to sick or annual leave. Her/his wishes should be made known to the appropriate payroll office.

If the employee so elects, the supervisor shall again continue regular pay, providing the 45-calendar days were not all "used" during the initial period of disability. This is applicable, however, only during a six-month period beginning from the date the employee first returned to work following the initial disability. If a recurrence happens after the six months have expired, the supervisor is no longer required to continue regular pay, although some of the 45 days may remain "unused." In such instances, the employee is entitled only to compensation payable by the OWCP.

- If the 45-day entitlement period has been exhausted, or six months have expired since the employee first returned to work, the supervisor is not required to continue regular pay. The OWCP will be responsible for initialing payment of compensation. In such instances, the employee will file claim for any wage loss on the appropriate Form CA-7 or CA-8.

- If the recurrence happens less than six months following the most recent prior medical treatment received by the employee, the supervisor shall authorize required medical care by use of Form CA-16 as indicated in section 7.1 above. If the recurrence happens more than six months after the most recent prior medical care, authorization for further medical care must be obtained from the OWCP.

(2) Occupational Disease Cases

- Following recurrence of disability and work stoppage, the supervisor will complete CA-2a and forward it to the appropriate OWCP office, through the office maintaining the employee's OPF, in accordance with instruction contained on the reverse side of the form.

- If the employee wishes to claim compensation as a result of the recurrence and a Form CA-4 was not submitted following the original injury, one should be submitted at the time of recurrence. If Form CA-4 was previously submitted, compensation may be claimed by filing Form CA-8, with supporting medical evidence.

- (3) Additional Report, Form CA-3. If the injured employee does not return to duty before the date the Form CA-2a is submitted to OWCP, an additional report should be made on Form CA-3 or in a similar manner when the employee returns to work, or the disability ceases. (See FPM 810, 5-8.)
- i. Medical Expenses. Doctors and hospitals may send their bills directly to the OWCP. Each bill, fully itemized, may be submitted in the item provided on Part B of Form CA-16, or on the billhead stationery of the doctor or hospital. The injured employee may claim reimbursement for medical expense which he or she has paid by sending properly itemized and receipted bills to the OWCP. All medical expenses must be fully supported by medical reports. Claim for travel expense incurred to obtain medical care shall be made on Standard Form 1012 or other official form which the agency uses as a claim for official travel of its own personnel. (See FPM 810, 5-9.)
- j. Report of Death. When an employee dies because of a personal injury incurred while in the performance of duty, the supervisor should immediately report the fact to OWCP, and National Headquarters and the Region Office, if applicable, by telegraph or telephone. Also, the supervisor should promptly report the death on Form CA-6, Official Superior's Report of Employee's Death. When Form CA-6 is used to report death neither Form CA-1 nor CA-2 is required. (See FPM 810, 5-10.)
- k. Claim for Compensation for Death. Forms CA-5 and/or CA-5b, are provided for dependents to claim compensation for death. Since these forms are not stocked by the System, OWCP will immediately send the supervisor the appropriate form and instructions when it receives notice of death. The supervisor should make this material available to dependents and, as far as practical, assist in the preparation of the claim. The attending physician should complete the medical report on the reverse side of the form. The completed form should then be sent promptly to OWCP. (See FPM 810, 5-11.)
- l. Cases Involving Liability of a Third Party. The OWCP has the right to be reimbursed from damages recovered in any case of injury or death caused under circumstances creating a legal liability upon someone other than the United States. No person claiming compensation should attempt to settle a third-party claim arising out of an injury or death without first obtaining advice and approval from the Solicitor of Labor (obtain from the Associate Counsel for Employees' Compensation, Washington, D.C. 20210). In all cases of this kind, the supervisor should advise claimants of these requirements. (See FPM 810, 5-12.)

- m. Hearing. A claimant who is not satisfied with an OWCP decision may ask for a hearing before an OWCP representative. The request for a hearing must be made to the Director of the OWCP within 30 days after the decision. At the hearing, which will be held at a location convenient to both the claimant and the OWCP, the claimant may present evidence in further support of the claim; after the hearing, OWCP will issue a new decision. (See FPM 810, 5-13.)
 - n. Reconsideration. A claimant may ask OWCP to reconsider any determination made by one of its offices. No special form is required to request this reconsideration but the request must be addressed to the Director of the OWCP in writing and must state clearly the ground upon which it is based. It must also be accompanied by evidence not previously submitted such as new medical reports or new statements and affidavits. There is no time limitation within which a request for reconsideration must be filed. (See FPM 810, 5-14.)
 - o. Appeals. A claimant may ask the Employees' Compensation Appeals Board to review final decisions by OWCP. To file an appeal, the claimant should write to the Employees' Compensation Appeals Board, United States Department of Labor, Washington, D.C. 20210; a Form AB-1 is provided for this purpose to ensure furnishing necessary information. The Board's jurisdiction extends to questions of law and fact; it may also consider exercises of discretion to determine their reasonableness. Its review is based solely upon the case record in OWCP at the time the final determination was made; new evidence is neither received nor considered by the Board. For claimants residing within the continental United States or Canada, applications for review by the Board are to be filed within 90 days of the date of the final determination by OWCP. If the claimant resides outside of the continental United States or Canada, the application is to be filed within 180 days of the date of the final OWCP determination. For good cause shown, the Board may excuse failure to timely file an application for review, if it is filed within one year of the date of the final OWCP determination. (See FPM 810, 5-15.)
8. COMPENSATION. Compensation based on loss of wages is payable, subject to the waiting days, after the 45th day in traumatic injuries or from the beginning of pay loss in all other types of injuries. When an injured employee loses pay due to temporary total disability resulting from an injury, compensation is payable at the rate of $66\frac{2}{3}$ percent of the pay rate established for compensation purposes. The compensation rate is increased to 75 percent when there are one or more dependents. Dependents include a wife or husband; an unmarried child under 18 years of age or if over 18, incapable of self-support, or a student (until reaching 23 years of age or completing four years of school beyond the high school level); or a wholly dependent parent. Compensation begins when the employee starts to lose pay if loss is for more than 14 days; otherwise compensation begins on the fourth day after pay stops. Compensation may not be paid while an injured employee receives pay for leave. The employee has the right to elect whether to receive pay for leave or to receive compensation (See FPM 810, 3-2(b).(1),(2).)
9. BUY BACK OF LEAVE. An employee may decide to take sick or annual leave, or both, to avoid possible interruption of income. If the employee elects to take leave and the claim for compensation is subsequently approved, the employee may arrange with the agency to buy back the leave used and have it reinstated to the employee's account. The compensation to which he or she is entitled, would buy a part of the buy-back cost and the employee would have to pay the balance. The amount the employee will be required to pay will depend on several factors such as the length of

the period of disability and the amount of Federal income tax which is withheld from leave pay. The agency can help the employee determine how much the buy-back cost would be in each case. An employee who uses leave and decides to buy it back, may file a claim for compensation on Form CA-4, or on Form CA-7, while still in leave status. In the interim, the OWCP will consider and resolve any points at issue. No compensation payments may be paid, however, while the employee is still in leave status. Arrangements to buy back leave must be made with the agency. The agency may make arrangements to have compensation paid directly to its account for the part of the buy-back cost which is covered.

10. PERMANENT TOTAL DISABILITY. When the injury causes permanent total disability, an injured employee is entitled to compensation until death unless the employee is medically or vocationally rehabilitated. Some, although not all, of the examples of permanent total disability are loss, or loss of use, of both arms; or both feet; or both legs; or both eyes or the sight thereof. Compensation for total disability equals $66\frac{2}{3}$ percent of the employee's pay, and 75 percent when there is a dependent. The employee may receive additional compensation, not to exceed \$500 per month, when the services of an attendant are need constantly because of the disability.

11. PARTIAL DISABILITY

- a. Loss of Wage Earning Capacity. An injured employee may receive compensation computed on loss of wage-earning capacity when unable to return to usual employment because of partial disability as a result of the injury. The compensation will equal $66\frac{2}{3}$ percent of the employee's loss; it will equal 75 percent of loss when there is a dependent. The compensation will be paid so long as there is a loss of wage-earning capacity.
- b. Scheduled Awards. Compensation is provided for specified periods of time for the permanent loss or loss of use, of each certain, members, organs, and functions of the body. Compensation for proportionate periods of time is payable for partial loss of each member, organ or function. The compensation for schedule awards will equal $66\frac{2}{3}$ percent of the employee's pay, and 75 percent of the pay when there is a dependent. Proper and equitable compensation, not to exceed \$3,500 may be paid for serious disfigurement of the face, head, or neck, if of a character likely to handicap a person in securing or maintaining employment. Compensation for loss of wage-earning capacity may be paid after the schedule expired.
- c. Death.
- (1) Burial. A sum, not to exceed \$800, may be paid for funeral and burial expenses. When an employee's home is within the United States, an additional sum may be paid for transporting the remains to the home if the employee dies away from home, official duty station, or outside the United States. An additional sum of \$200 is paid to the personal representative of the decedent for reimbursement of the costs of termination of the decedent's status as an employee of the United States.

(2) Dependents

- When there are no children entitled to compensation, the employee's widow or widower may receive compensation equal to 50 percent of the employee's pay until death or remarriage. Upon remarriage, a widow or widower will be paid a lump sum equal to 24 times the monthly compensation being paid on his or her own behalf, except that if such remarriage occurs on or after the age of 60, the lump sum payment will not be made and compensation will continue until the beneficiary's death.

- When there is a child entitled to compensation, the compensation for the widow or widower will equal 45 percent of the employee's pay plus 15 percent for each child, but no more than 75 percent of the employee's pay. A child is entitled to compensation until he or she dies, marries, or reaches 18 years of age, or, if over 18 and incapable of self-support becomes capable of self-support. If an unmarried child is a student when reaching 18 years of age, compensation may be continued for as long as the child remains a student or until he or she marries. It may not, however, be continued beyond the end of the semester or enrollment period after the child reaches 23 years of age or has completed four years of school beyond the high school level. (See FPM 810, 3-5.)

12. MINIMUM AND MAXIMUM COMPENSATION

- a. Disability. Compensation for disability may not exceed 75 percent of the monthly pay of the highest step of grade 15 of the General Schedule. For total disability, it may not be less than 75 percent of the monthly pay of the first step of grade 2 of the General Schedule or actual pay, whichever is less.
- b. Death. Compensation for death is computed on a minimum pay equal to the first step of grade 2 of the General Schedule. The total compensation may not exceed the employee's pay or 75 percent of the monthly pay of the highest step of grade 15 of the General Schedule, except that compensation is allowed to exceed the employee's monthly pay if such excess is created by authorized cost of living increases. (See FPM 810, 3-6.)

13. VOCATIONAL REHABILITATION. Vocational rehabilitation, job counseling, and placement assistance may be provided an injured employee who is unable to return to usual employment because of permanent disability due to the injury. Additional compensation not to exceed \$200 per month may be paid if it is considered necessary for maintenance when the employee is pursuing an approved training course. Also, an employee will be paid at the rate for total disability while pursuing an OWCP approved training course. (See FPM 810, 3-7.)

14. DUAL BENEFITS

- a. Civil Service Annuity and Compensation. As a general rule, a person may not concurrently receive compensation from OWCP and a retirement or survivor annuity from the Civil Service Commission. The beneficiary may elect to receive the more advantageous benefits. Certain exceptions to this rule are explained in Federal Personnel Manual (FPM) Chapter 831 and FPM Supplement 831-1, Retirement.

- b. Military Retirement Retainer Pay and Compensation. An employee may receive compensation concurrently with military retired pay, retirement pay, retainer pay or equivalent pay for service in the Armed Forces or other uniformed services, subject to the reduction of such pay in accordance with Title 5 U.S. Code 5532(b). (See FPM 810, 3-8.)
- c. Civil Service Retention Rights. These rights are under the jurisdiction of the Civil Service Commission. See FPM Chapter 353. (See FPM 810, 3-9.)

15. OFFICE OF WORKERS' COMPENSATION PROGRAMS. Responsibility for administration of the law is delegated through the Assistant Secretary for Employment Standards in the Department of Labor to the Director of the Office of Workers' Compensation Programs, with headquarters at Washington, D.C. 20211. The OWCP's district offices, which adjudicate the claims arising within the areas of their respective jurisdictions are: (See FPM 810, 4-2.)

LOCATION

JURISDICTION

District No. 1

147 Milk Street
Boston, Massachusetts 02109
FTS Tel. 8-617-223-6756

Connecticut, Maine, Massachusetts,
New Hampshire, Rhode Island, and
Vermont

District No. 2

1515 Broadway (at West 44th)
New York, New York 10036
FTS Tel. 8-212-971-5504

New Jersey, New York, Puerto Rico,
and Virgin Islands

District No. 3

Gateway Building
3535 Market Street
Philadelphia, Pennsylvania 19104
FTS Tel. 8-215-597-1180

Delaware, Pennsylvania, and
West Virginia

District No. 6

400 West Bay Street
Box 35409
Jacksonville, Florida 32202
FTS Tele. 8-904-791-2821

Alabama, Florida, Georgia, Kentucky,
Mississippi, North Carolina, South
Carolina, and Tennessee

District No. 7

Federal Office Building, South
600 South Street
New Orleans, Louisiana 70130
FTS Tel. 8-504-527-6158

Arkansas, Louisiana, New Mexico,
Oklahoma, and Texas

District No. 9

1240 East 9th Street
Room 879
Cleveland, Ohio 44199
FTS Tel. 8-216-522-3804

Indiana, Michigan, and Ohio

District No. 10

230 South Dearborn Street
8th Floor
Chicago, Illinois 60604
FTS Tel. 8-312-353-5652

Illinois, Minnesota, and Wisconsin

District No. 11

1910 Federal Office Building
911 Walnut Street
Kansas City, Missouri 64106
FTS Tel. 8-816-374-2723

Iowa, Kansas, Missouri, and
Nebraska

District No. 12

Rio Grande Building, Room 303
1513 Stout Street
Denver, Colorado 80202
FTS Tel. 8-303-837-2611

Colorado, Montana, North Dakota,
South Dakota, Utah, and Wyoming

District No. 13

450 Golden Gate Avenue
Box 36022
San Francisco, California 94102
FTS Tel. 8-415-556-5452

Arizona, California, and Nevada

District No. 14

Arcade Building, Room M-17
1319 Second Avenue
Seattle, Washington 98101
FTS Tel. 8-206-442-5255

Alaska, Idaho, Oregon, and
Washington

District No. 15

1833 Kalakaua Avenue, Room 610
Honolulu, Hawaii 96815
Tel. Dial San Francisco FTS
operator 8-415-556-0220 request
Honolulu, 955-0266

All land and water areas west of
the continents of North and South
America to the 60th degree east
longitude (excluding Iran)

District No. 25

Mc Lachlen Building, Room 405
666 - 11th Street, N.W.
Washington, D.C. 20211
FTS Tel. 8-202-382-3831
the continents of North and South
America to the 60th degree east
longitude (including Iran but
excluding Puerto Rico and Virgin
Islands)

District of Columbia, Maryland
Virginia, plus Canada, Mexico,
Central and South America and
all land and water areas east of

16. EMPLOYEES' COMPENSATION APPEAL BOARD. Authority to consider and decide appeals from final decisions of the OWCP is vested in the Department's Employees' Compensation Appeals Board, located at Washington, D.C. 20210. The jurisdiction of the Board extends to questions of law and fact; it may also consider exercises of discretion to determine their reasonableness. Its review is based upon the case record before OWCP when the final decision is made; new evidence is not received by the Board. (See FPM 810, 4-3.)
17. REGULATIONS. The regulations for the administration of the compensation law and those governing appeals appear in title 20 of the Code of Federal Regulations. The regulation for administration of Civil Service retention rights appear in Title 5 of the Code of Federal Regulations. (See FPM 810, 4-4.)
18. CONFIDENTIALITY OF RECORDS. All records, medical and other reports, statements of witnesses and other papers relating to the injury or death of a civilian employee of the United States or other person entitled to compensation or benefits from the United States under the Act and all amendments or extensions thereof, are the official records of the OWCP and are not records of the agency, establishment or department making or having the care or use of such records. Such records and papers pertaining to any such injury or death are confidential and no official or employee of a Government establishment who has investigated or secured statements from witnesses and others pertaining to a claim for benefits, or any person having the care or use of such reports, shall disclose information from or pertaining to such records to any person, except upon the written approval of the OWCP. (Title 20 USC Chapter 1, Sec. 10.10.)

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 920

REDUCTION IN FORCE IN THE SENIOR EXECUTIVE SERVICE

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CHAPTER 920

REDUCTION IN FORCE IN THE SENIOR EXECUTIVE SERVICE

1. PURPOSE. This chapter establishes policies and procedures for the conduct of reductions in force of Career Senior Executives in the Selective Service System in accordance with 5 U.S.C. 3395 (added by section 1704, P.L. 97-35) requiring that competitive procedures be employed with retention based primarily on the performance of Senior Executives.
2. POLICY. It is the policy of the Selective Service System that when a position or positions in the Senior Executive Service (SES) must be eliminated, or so modified that they no longer warrant being included in the SES, that every attempt will be made to reassign the incumbent(s) to other SES position(s) within the agency. Where this is not possible, a reduction in force will be conducted with retention based primarily on the performance of executives as reflected in their performance evaluations.
3. DEFINITIONS
 - a. Reduction in Force (RIF) is defined under 5 USC 3595(d) as the elimination or modification of a position due to reorganization, lack of funds or curtailment of work, or "any other factor."
 - b. Senior Executive, for purposes of this order, includes only those members of the Senior Executive Service who hold career SES appointments. Non-career Senior Executives serve at the pleasure of the Director and are excluded from coverage.
 - c. Performance means an employee's accomplishment of duties and responsibilities and the degree to which certain critical job elements have been performed and how well the employee has met certain standards of performance.
 - d. Competitive Field is the organizational or geographic part of the Selective Service System in which employees compete with each other to determine who will remain in present career SES positions and who will either be reassigned to another SES position, be placed in an SES position in another agency, or separated.
 - e. Competitive Level. Within each competitive field are competitive levels in which senior executives compete for retention. Competitive levels in Selective Service are assigned on the basis of performance ratings.
 - f. Performance Ratings. Official performance rating(s) under the Selective Service SES performance appraisal plan or under a predecessor plan under which the employee was serving under a Career Executive (Supergrade) assignment.

g. Reorganization. The planned elimination, addition or redistribution of functions or duties.

h. Days. Days means calendar days.

4. PERFORMANCE RATING

a. The performance of senior executives in the Selective Service System is evaluated annually under FPM Chapter 920 "SES Performance Evaluation." There are six Overall Performance Ratings which may be assigned. They are:

(1) Substantially exceeded all objectives (A Rating).

(2) Substantially above target - most significant objectives (B Rating).

(3) Above target - all significant objectives (C Rating).

(4) On target - all significant objectives (D Rating).

(5) Below target - some objectives (E Rating).

(6) Below target - most objectives (F Rating).

b. Definitions of the above Overall Performance Ratings are contained in the Selective Service System Merit Appraisal and Pay Program Directive. For purposes of reduction in force, alphabetic categories have been assigned and appear after each rating listed above.

c. Career SES members serving a probationary period and who have not yet received a regular annual rating are considered, for reduction in force purposes, to have been assigned a rating of "on target - all significant objectives" (a D Rating).

5. AUTHORITY

The decisions on whether a reduction in force is necessary, the specific jobs to be abolished and when the reduction is made are management decisions and are not appealable.

6. ASSIGNMENT TO COMPETITIVE FIELDS

The competitive field to which a position is assigned is dependent upon the qualifications requirements of the position. Generally, positions which are similar and require the same managerial and technical skills, knowledges and abilities are placed in the same competitive area. Decision as to the placement of positions in competitive areas is the sole responsibility of the Director, Selective Service System.

7. PLACEMENT IN COMPETITIVE LEVELS

Career SES members are placed in competitive levels within a competitive field on the basis of performance. In other words, all members with a most recent performance rating of "Substantially Exceeded all Objectives" (A Rating) are placed in the highest ("A") level; those with a most recent performance rating of "Substantially Above Target" (B Rating) are placed in the second-highest ("B") level and so on.

8. RETENTION STANDING WITHIN THE COMPETITIVE LEVEL

When more than one SES member is placed in the same competitive level, they are assigned a numerical rating based on the total points each receives using the point schedule below. Those with the most points will be ranked highest for retention.

For each full year of service in the career SES	1 point
For each "outstanding" or equivalent performance rating received during the previous 5 years in the SES or under the Career Executive Assignment System	1 point
For each SSS Exceptional Service Award (Silver Medal) received	1 point
For each SSS Distinguished Service Award (Gold Medal) received	2 points
For each Special Achievement or other equivalent cash award for performance under either SES or the Career Executive Assignment System	2 points
For each SES Bonus received	2 points

9. PAY LEVELS WITHIN SES

No differentiation will be made, for reduction in force purposes, for the pay level within SES to which senior executives are assigned.

10. ESTABLISHMENT OF RETENTION REGISTERS

The Civilian Personnel Officer will establish retention registers encompassing all 6 levels in accordance with the guidance on the setting of competitive fields furnished by the Director. Ranking within each competitive level (if necessary) will be performed by the Civilian Personnel Officer in accordance with the guidance in VIII above.

11. RELEASE FROM COMPETITIVE LEVEL

Senior executives are released from the competitive level in inverse order of their standing on the retention register. For instance all in competitive level "B" within the competitive area would be released before any in competitive level "A".

12. PLACEMENT RIGHTS WITHIN SES

- a. A senior executive who has successfully completed probation and is affected by reduction in force is entitled to be placed in a vacant SES position within the Selective Service System for which the executive is qualified.
- b. If there is no vacancy for which the senior executive is qualified, the Director certifies this finding in writing to the Director, Office of Personnel Management (OPM).
- c. The Office of Personnel Management will then take all reasonable steps to place the senior executive in a vacant SES position, for which the executive is qualified, in another agency. OPM may require an agency to take any action which OPM considers necessary to accomplish a placement. The senior executive is entitled to placement unless the head of the agency to which OPM referred the executive determines that he or she is not qualified for the position and so formally notifies the Director, OPM. The period during which OPM's placement efforts continue is 120 days (after the Director's certification to OPM). The senior executive will remain on the SSS payroll during this period.

13. REMOVAL

- a. A senior executive who has successfully completed an SES probationary period (in any agency) or who elected conversion to SES in 1979:
 - (1) may be removed (under adverse action procedures) when and if he or she declines a directed reassignment to a position for which he or she qualifies within the Selective Service System.
 - (2) may be removed if he or she declines a reasonable offer of placement in an SES position in another agency under OPM placement efforts.
 - (3) may be removed if he or she is not placed by OPM in an SES position in another agency within 120 days after OPM received written certification that SSS was unable to place the executive. The appointee remains on the SSS payroll during the period. (NOTE: In the case of an executive who held a career SES appointment as of May 31, 1981, removal may not take place until 30 days after OPM certifies to the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate that OPM has taken all reasonable steps to place the executive and has been unable to do so during the 120-day placement period.)

14. PLACEMENT OUTSIDE THE SES FOLLOWING REMOVAL

- a. A senior executive who is serving a probationary period at the time the notice of reduction in force is issued is entitled to fall back to a GS-15 position in the Selective Service System if the executive held a career or career-conditional appointment or appointment of equivalent tenure in the competitive service immediately prior to entering the SES.
- b. A career executive who has completed an SES probationary period has no fallback right within the agency. However, a career senior executive who has reinstatement eligibility in the competitive service may be placed in a vacant competitive service position in the Selective Service System for which he or she is qualified.

15. REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE AFTER REMOVAL

- a. Only those career senior executives who have completed an SES probationary period may be appointed to an SES position in another agency by reinstatement without competition.
- b. A Selective Service System career executive or former career executive who had completed an SES probationary period is entitled to be reinstated without competition to any vacant SES position in the Selective Service System for which the executive is qualified, provided he or she applies for that position within one year after OPM received certification from the Selective Service System that he or she could not be placed in a reduction in force.

16. APPEAL RIGHTS

All career senior executives affected by reduction in force have the right to appeal the action to the Merit Systems Protection Board.

- a. All career senior executives, both those who have completed a probationary period and those who have not, may appeal on the grounds that the reduction in force did not comply with competitive procedures.
- b. A career senior executive who has completed a probationary period and was removed because he or she declined a reasonable offer by OPM of a position in another agency may appeal the removal.
- c. A career senior executive who has completed a probationary period and was removed because he or she could not be placed by OPM may appeal on the grounds that OPM failed to make proper efforts to effect his or her placement in another SES position.
- d. A career executive who has completed a probationary period may appeal a determination by the Selective Service System that he or she is not qualified for a specific vacant position following a request for reinstatement under XV above.

17. CONTENTS OF NOTICE OF REDUCTION IN FORCE

A reduction in force notice will contain the following (when applicable):

- a. The action to be taken and the proposed date of separation.
- b. The reason for the action.
- c. Employee's competitive area and competitive level.
- d. Statement that agency was unable to place the employee within SES in SSS.
- e. Employee's entitlement to placement effort by OPM for 120 days.
- f. Any information employee must furnish OPM to further placement efforts.
- g. The requirement that OPM must provide a 30-day notice to the Congress prior to employee's separation.
- h. Employee's reinstatement rights in the Selective Service System.
- i. Employee's eligibility for immediate retirement.
- j. Where the employee may inspect regulations and records pertinent to the action.
- k. Employee's appeal rights including time limits for appeal and location of the Merit Systems Protection Board office to which the appeal(s) should be sent.

18. REDUCTION IN FORCE RECORDS

All records related to a reduction in force in the SES in Selective Service System will be retained by the Civilian Personnel Office, National Headquarters for a period of two years from the effective date unless OPM evaluation visit occurs earlier.

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 920A

PERFORMANCE MANAGEMENT PLAN FOR MEMBERS OF THE SENIOR EXECUTIVE SERVICE (SES)

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 920A

PERFORMANCE MANAGEMENT PLAN FOR MEMBERS OF THE SENIOR EXECUTIVE SERVICE (SES)

1. INTRODUCTION

Chapter 43 of title 5, United States Code provides for the establishment of Senior Executive Service (SES) Performance Appraisals and for the appraisal of the performance of Senior Executives. This chapter implements regulations contained in 5 CFR, Part 430, Subpart C. All Senior Executives covered by Subchapter I of Chapter 31 of Title 5, United States Code, assigned to the Selective Service System are covered by this chapter. This chapter must be approved by the Office of Personnel Management before implementation. No provision is made for exceptions to this requirement.

2. PURPOSE AND BENEFITS OF PERFORMANCE MANAGEMENT

The SSS' Performance Management Program establishes a system for managing Senior Executive (SES) performance that achieves accountability for individual and organizational performance which:

- A. Set expectations for excellence in Senior Executive performance;
- B. Links performance management with the results oriented goals of Agency strategic planning initiatives;
- C. Sets and communicates individual accountability for accomplishment of Agency goals and objectives;
- D. Appraises senior executive performance using measures that balance organizational results with customer, employee, and other perspectives; and,
- E. Use performance results as a basis for pay, awards, and training, performance, retention, removal and other personnel decisions.

3. DEFINITIONS

- A. **ANNUAL SUMMARY RATING:** The overall rating level that an appointing authority assigns at the end of the appraisal period after considering a PRB's recommendation. This is the official rating.

- B. **APPOINTING AUTHORITY:** The Director or his designee.
- C. **APPRAISAL:** The act or process of reviewing and evaluating the performance of the executive against the described performance standards.
- D. **APPRAISAL PERIOD:** July 1 through June 30 of each year. The minimum appraisal period is 120 days. Appraisals and ratings for career appointees may not be made within 120 days after the beginning of a new Presidential administration.
- E. **BALANCED MEASURES:** An approach to performance measurement that balances organizational results with the perspectives of distinct groups, including customers and employees.
- F. **CRITICAL ELEMENT:** A key component of a position consisting of one or more duties and responsibilities that contributes toward accomplishing organizational goals and objectives which are of such importance that unsatisfactory performance on the element would result in unsatisfactory performance in the position.
- G. **INITIAL SUMMARY RATING:** The overall rating level the supervisor derives from appraising the executive's performance during the appraisal period and forwards to the Performance Review Board (PRB).
- H. **OTHER PERFORMANCE ELEMENT:** A component of a position that does not meet the definition of a critical element but is of sufficient importance to warrant a written appraisal.
- I. **PERFORMANCE:** A senior executive's accomplishment of assigned work as specified in the performance plan.
- J. **PERFORMANCE ELEMENTS:** A statement of performance that contributes meaningfully to success or failure in a position. Performance elements are designated as critical or non-critical.
- K. **PERFORMANCE PLAN:** The written summary of work the senior executive is expected to accomplish during the appraisal period and the requirements against which performance will be evaluated. The plan addresses all critical elements and any other performance elements established for the senior executive.
- L. **PERFORMANCE REQUIREMENTS:** A statement of the expectations or requirement established by management for critical or other performance elements.

4. **PERFORMANCE PLAN**

A. **MANAGERIAL GUIDANCE**

Each year in early May, a brief memorandum containing guidance for SES members will be issued by the Director, SSS. The guidance will outline major agency efforts and objectives for Deputy Director the coming year. Such guidance may include: Agency Strategic Plan requirements/GPRA; cost/schedule milestones; certain equal opportunity goals; cost savings in selected projects; implementing certain management improvement strategies; increasing productivity; and many other similar system-wide concerns.

B. **IDENTIFICATION OF PERFORMANCE ELEMENTS**

Between May 15 and May 30, the SES member and their supervisor will meet to discuss the annual guidance and the plans for their specific organizations. This goal is to facilitate the determination of what must be accomplished during the coming year. These talks include consideration of applicable guidance for the SES member's position and work plan; critical elements and projects; and specific objectives and measurements of progress.

- (1) There are two kinds of performance elements – organizational and individual.
 - a. Organizational Elements - These elements control the operation and accomplishments of an organization under the executive's control, and the assignments that may be accomplished by organizational elements under another executive's control.
 - b. Individual Performance Elements - These elements are aspects of a position that the executive accomplishes personally.
- (2) A performance element should be expressed in its simplest form, e.g., formulates policy; develops a new appraisal system; manages human resources. The outcome associated with a performance element may be the product (policy, new appraisal system), or the process itself (manages human resources).
- (3) Organizational performance elements are determined by the organization's mission, program objectives and priorities, legislative mandates, national policy, etc. They stem from the

various planning documents (e.g., the budget, functional statements, and training plans) that cover the organization under the executive's control.

- (4) Each category and subcategory should be reviewed to ensure that it is stated in complete form (i.e., What is the function? Why and how it is performed?) to facilitate establishing levels of performance. Next, the work categories should be arranged in priority order according to the needs of management so that both the executive and the supervisor are aware of the relative importance of each category and function. A category, subcategory, or activity is a performance element if it is meaningful to success and or failure in performing the work of the position.

C. DESIGNATION OF CRITICAL AND OTHER PERFORMANCE ELEMENTS

- (1) The supervisor should review the identified performance elements and determine which elements are so important that performance below the minimally satisfactory level of one or more such elements would result in unsatisfactory performance in the position as a whole. Elements so identified are "critical elements." Elements that do not meet the criteria for critical elements shall be designated as other performance elements. Use of other performance elements is optional.
- (2) Critical elements may be added or deleted based on changes in the nature of the position. If a new performance element is so important that inadequate performance of it would result in unsatisfactory performance of a position as a whole, it is a critical element.

D. ESTABLISHMENT OF PERFORMANCE REQUIREMENTS

- (1) Requirements or expectations of performance that are based on the employee's position description are prepared by the supervisor with employee participation. The content of the final product is the supervisor's responsibility as they assign work to accomplish the organization's mission.
- (2) Requirements must be developed in writing for each level of performance for all elements.
- (3) Appraisals against performance requirements will be used as a basis for training, rewarding, reassigning and changing base pay.

- (4) Organizational performance requirements can be expressed in many ways. Important considerations in determining how to express organizational performance requirements are:
 - a. Is it derived from and consistent with Selective Service System regulations and procedures, legal decisions and provisions of the Military Selective Service Act? Specifically, is it consistent with available funding, program and performance goals, budget decisions, and expressions of Presidential and Congressional priorities?
 - b. Is it expressed in terms that can be measured? When feasible, these terms ought to be quantitative, although not all performance elements can be quantified. Among the difficult, but important non-quantifiable types of indices are (i) the levels of coordination and cooperation with other organizations, (ii) the quality of staff services such as budgeting and some parts of personnel management, or (iii) the provision of legal advice.
 - c. It should be clear, if possible, what measures will be used in appraising performance (e.g., unit time, unit cost).
 - d. To the extent possible, output measures need to be defined in ways that permit measurement of quantity, quality, and timeliness as well as cost effectiveness. The acceptable factors should be clearly understood.
- (5) Performance elements and requirements must be communicated to the executive at or prior to the beginning of the appraisal period and a written performance plan will normally be provided to the executive within 30 days of the beginning of the appraisal period. Both the executive and the supervisor must sign the performance standards, each retaining a copy.

5. APPRAISAL OF PERFORMANCE

A. APPRAISAL PERIOD

- (1) The Senior Executive appraisal period is July 1 through June 30 of each year. As provided for in 5 U.S.C. 4314b.1.d., the appraisal period may be terminated prior to the end of the stated period if the agency determines that an adequate basis

exists on which to appraise and rate the Senior Executive's performance and the minimal appraisal period has been served. The minimum appraisal period is 120 days.

- (2) When an executive changes positions during the appraisal period and has served in his/her position for 120 days, a performance appraisal must be prepared to cover the position from which the executive is changing. This rating must not be considered as an initial rating, but must be considered at the time an initial summary rating is prepared.
- (3) Appraisals and rating for career appointees may not be made within 120 days after the beginning of a Presidential administration.
- (4) An executive must be appraised on each critical and other performance element in the executive's performance plan, unless the executive has had insufficient opportunity to demonstrate performance on the element.
- (5) When an executive is detailed or temporarily reassigned within the Selective Service System and the detail or temporary assignment is expected to last for 120 days or longer, written critical elements and performance requirements must be provided to the executive as possible, but no later than 30 calendar days after the beginning of a detail or temporary assignment. Ratings on critical elements must be prepared for these details and temporary assignments and must be considered in deriving the executive's next initial summary rating.
- (6) When a Senior Executive is detailed outside of the Selective Service System, reasonable effort to obtain an appraisal from the outside organization will be made and this information shall be considered in deriving the executive's next initial summary rating.

B. MONITORING PERFORMANCE

The Director or designee will monitor each Senior Executive's performance during the appraisal period and provide feedback to the executive on progress in accomplishing the performance elements and requirements described in the performance plan. The supervisor must provide advice and assistance to SES member on how to improve their performance and must provide at least one progress review for each SES member during the appraisal period. During the

progress review, SES members must be informed about how well they are performing against their performance elements and requirements.

C. **INITIAL SUMMARY RATING**

- (1) Based on written standards, a written initial rating of the executive's performance will be made by the executive's supervisor, not later than July 15. Each performance element will be rated at one of five rating levels. The levels and their definitions are as follows:
 - a. **Exceptional** - Performance that exceeds all individual, managerial and professional competence. All critical and other performance elements are rated as Exceptional.
 - b. **Exceeds Successful** - All critical elements and most other performance elements are rated as at least Exceed Successful, with no element rated less than Full Successful.
 - c. **Fully Successful** - All critical elements are rated as at least Fully Successful with most other elements rated at least Minimally Satisfactory.
 - d. **Minimally Satisfactory** - Performance on one or more critical elements is rated less than Fully Successful, but no critical element is rate Unsatisfactory.
 - e. **Unsatisfactory** – Performance that fails to meet the written standard established for the minimally satisfactory level. One or more critical elements are rated Unsatisfactory.
- (2) The initial summary rating is provided to the executive for an opportunity to respond to the initial rating in writing and an opportunity to request a review of the rating by an executive in a higher executive level than that of the supervisor unless there is no one at a higher level, before review by the Performance Review Board (PRB). If a written response is prepared, this response is provided to both the official making the higher level review and the PRB. Comments made by the higher level review official are provided to the executive, the supervisor and the PRB.

D. PERFORMANCE REVIEW BOARD (PRB)

- (1) When appraising the performance of the career SES member(s), the initial summary rating shall be reviewed by an established PRB that consists of more than fifty percent career SES appointees. If necessary, career SES members from another Agency will be used to maintain this percentage.
- (2) The names of persons serving on the PRB shall be published in the Federal Register.
- (3) The PRB will review and evaluate the initial summary rating, the executive's written response, if any, and any review by a higher level executive, and will conduct such further review as the PRB finds necessary. The PRB will also ensure that only executives whose performance exceeds normal expectations are rated at levels above Fully Successful.
- (4) Individual PRB members must not take part in any PRB deliberations involving their own appraisals.
- (5) The PRB must make a written recommendation concerning each executive's rating of record.

E. ANNUAL SUMMARY RATING

- (1) No forced distribution of levels of ratings may be made.
- (2) A written annual summary rating of record of the executive's performance shall be made by the appointing authority only after considering the recommendation by the PRB with respect to the performance of the senior executive.
- (3) When a rating of record cannot be prepared at the end of the appraisal period, the executive's appraisal period shall be extended for the amount of time necessary to meet the 120 day minimum appraisal period, at which time a rating of record shall be prepared.
- (4) When an executive moves to another organization within the Selective Service System anytime during the appraisal period, the current performance ratings of record must be transferred to the gaining organization. If 120 days has passed since the last rating of record, an interim rating must be prepared to cover the period since the last rating of record and taken into

consideration by the gaining organization when deriving the next annual summary rating.

- (5) When an executive's performance is rated at a level below the fully successful level, the executive shall be provided assistance in improving performance. Such assistance may include formal training, on the job training, counseling or closer supervision. However, under circumstances described below, a less than fully successful rating of record may require reassignment within the SES or removal.

6. USING PERFORMANCE RESULTS

- A. Based on recommendations by the Performance Review Board, career SES members may be granted performance bonuses of not more than twenty percent or less than five percent of base salary. Such bonuses are subject to the statutory salary ceiling limits. They are non-continuing and must be earned each year. Distributions will be made effective at the beginning of the first full pay period after October 1 of each year.
- B. Based on supervisory and Performance Review Board recommendations, career SES members may be recommended to the Director for the Presidential Rank Awards of "Distinguished" and "Meritorious" Executives.
- C. The Director will review the recommendations of the Performance Review Board and make the final decisions on bonuses and on nominations for the Presidential Rank Awards of "Distinguished" and "Meritorious" Executives.
- D. Less than Fully Successful ratings may require reassignment or removal from the SES under 5 U.S.C. 4314(b) (3) & (4) according to provision of 5 CFR 359, Subpart E. Such action is required under the following circumstances.
 - (1) A rating of record at the Unsatisfactory level requires either reassignment within the SES or removal from the SES.
 - (2) Receipt of two ratings of record at the Unsatisfactory level within five consecutive years requires removal from the SES.
 - (3) Receipt of two ratings of record at less than Fully Successful within three consecutive years requires removal from the SES.

- (4) A career executive may not be involuntarily removed from the SES based upon less than Fully Successful performance within 120 days after the appointment of a new agency head or the appointment of the executive's immediate supervisor who is a non-career appointee and has the authority to remove the career executive. This restriction does not apply to a pending removal action based upon an unsatisfactory annual summary rating.

7. RECORDS

- A. Each executive must be provided with a copy of the following documents at the time they are prepared:
 - (1) Performance standards;
 - (2) The initial summary rating, along with notification of the right to respond in writing and to request a higher level review before the rating becomes final;
 - (3) Any comments and recommended changes by a higher level executive; and,
 - (4) The annual summary rating.
- B. All performance related records will be maintained in an Employee Performance Folder (EPF) for five years from the date the rating is issued. When an executive leaves the System, all performance related documents that are less than five years old will be forwarded in the EPF along with the executive's Official Personnel Folder to the gaining agency.

8. SYSTEM EVALUATION AND TRAINING

- A. The Associate Director for Support Services shall evaluate and report to the Director on the effectiveness of this appraisal program so that refinements, alterations or improvements may be made in the program.
- B. The Human Resources Division will provide periodic training for executives on the performance system to assure effective administration.

APPENDIX A

SES EVALUATION									
NAME		SES LEVEL		SSAN		PERIOD COVERED			
POSITION TITLE/ORGANIZATION									
MISSION OF COMMAND									
RELATIONSHIP OF EMPLOYEE'S COMPONENT TO MISSION									
SUMMARY OF INDIVIDUAL ELEMENTS					PERFORMANCE				
Element	Description	<u>CRITICAL</u>	Y	N	Unsatisfactory	Minimally Satisfactory	Fully Successful	Exceeds Successful	Exceptional
1	Work Plan		<input type="checkbox"/>	<input type="checkbox"/>					
2	Human Resources Management		<input type="checkbox"/>	<input type="checkbox"/>					
3	Organizational Planning, Monitoring and Evaluation		<input type="checkbox"/>	<input type="checkbox"/>					
4	Program Direction and Communication		<input type="checkbox"/>	<input type="checkbox"/>					
5	Internal Customer Service		<input type="checkbox"/>	<input type="checkbox"/>					
6	External Customer Service		<input type="checkbox"/>	<input type="checkbox"/>					
7			<input type="checkbox"/>	<input type="checkbox"/>					
OVERALL PERFORMANCE EVALUATION									
CHECK ONE									
					EXCEPTIONAL (E)				
					EXCEEDS SUCCESSFUL (ES)				
					FULLY SUCCESSFUL (FS)				
					MINIMALLY SATISFACTORY (MS)				
					UNSATISFACTORY (U)				
Should this person be nominated as: <input type="checkbox"/> Meritorious <input type="checkbox"/> Distinguished <input type="checkbox"/> N/A									

APPENDIX A

RECORD OF REVIEW			
Initials indicate agreement that this step of the process has been completed. Date your initials.			
	Supervisor	Executive	Agency Head
Element Setting			
Progress Review			
Annual Summary Rating	NAME/POSITION	SIGNATURE	DATE
Submitted by (Immediate supervisor)			
SES Member acknowledgment			
SES Member Comments (if desired)			
Agency Head Comments (mandatory)			
	NAME/POSITION	SIGNATURE	DATE
Reviewed by PRB Chairperson			
Reviewed by PRB Member			
Reviewed by PRB Member			
Approved by Agency Head			

APPENDIX A

PERFORMANCE RECORD SHEET

Employee Name:	Element # 1
Annual Work Plan Performance Measures	
1. <u>Exceptional</u> Overcame significant obstacles, such as insufficient resources, conflicting demands, or usually short time-frames, in achieving or exceeding desired results.	
2. <u>Exceeds Successful</u> Consistently demonstrated the ability to meet the requirements of the job. Challenges encountered and resolved are part of day to day operation and are generally routine in nature.	
3. <u>Fully Successful</u> Achieved or made progress towards the achievement of desired results.	
4. <u>Minimally Satisfactory</u> Barely achieved or made limited substantial progress towards the achievement of desired results.	
5. <u>Unsatisfactory</u> Did not achieve or make any progress toward the achievement of desired results.	

APPENDIX A

PERFORMANCE RECORD SHEET

Executive's Name:	Element # 1
Annual Work Plan Performance	

APPENDIX A

Executive's Name:

OVERALL EXECUTIVE SELF APPRAISAL

APPENDIX A

Executive's Name:

OVERALL SUPERVISOR APPRAISAL

PERFORMANCE RECORD SHEET

Employee Name:

Element # 2

EEO - Human Resources Management

Effective management of subordinate employees, allowing them to learn, achieve and grow as assets to the Agency and contribute to mission accomplishment. Also, established a reputation for equity and fairness in employment and work opportunities.

PERFORMANCE MEASURES**1. Exceptional**

- Underpins the mandate of the Administration.
- Supports every aspect in the Agency's performance and Strategic Plans along with the President's Management Agenda.
- Effectively motivated subordinates to exert the efforts necessary to attain organizational goals. Excelled in the supervision and leadership of subordinates and maintains a work environment that stimulates the growth of individuals.

2. Exceeds Successful

- All elements of "Fully Successful" apply, plus: Employees are given a chance to work up to maximum potential and are frequently praised/rewarded for excellent work.
- Disciplinary actions are taken rarely because employees are highly motivated and effectively managed, but when taken are commensurate with the infraction and are designed to correct problem behavior.
- All employees are kept informed about Agency missions, visions, direction and policies.
- Readily demonstrated a commitment to quality service.
- No justified complaints from employees are received by higher management.

3. Fully Successful

- Selected quality people for office positions and motivated them to do quality work.
- Supervised employees routinely informed about what is expected of them and counseled as necessary as work progresses.
- Work is completed on time 90 percent of the time. Employees do good work, report for duty generally on time, and use of leave appears normal.
- They are given routine feedback on strengths and weaknesses of their work and are encouraged to become more efficient.
- EEO principles are applied to employee management and hiring/reward/disciplinary actions.
- Employees are recognized for work well done.
- Complaints from employees are very rare.

4. Minimally Satisfactory

- Has difficulty in filling vacancies with qualified people.
- Supervised employees show some evidence of poor motivation and ineffective management (e.g. repeated unjustified absenteeism).
- There are one or two supportable complaints about work conditions received by higher management.
- Some deadlines are missed on a recurring basis for reasons that could have been avoided through closer management of personnel and time resources.
- Employees are not adequately informed about Agency policies, activities, actions and priorities.

5. Unsatisfactory

- Marginally motivated subordinates to achieve high performance standards.
- Lacked an environment that fostered diversity, innovation, initiative, open communication and teamwork.
- Was controversial in support of agendas or mandates established by supervisors.

APPENDIX A

Executive's Name:

OVERALL EXECUTIVE SELF APPRAISAL

APPENDIX A

Executive's Name:

OVERALL SUPERVISOR APPRAISAL

PERFORMANCE RECORD SHEET

Employee Name: _____

Element # 3

Organizational Planning, Monitoring and Evaluation

Develops goals and objectives, policies and procedures. Develops specific plans and milestones. Develops procedures and guidelines to review program and quality and progress. Revises programs as needed, based on results. Revises monitoring procedures as required.

PERFORMANCE MEASURES**1. Exceptional**

- Demonstrated a high level of administrative competence.
- Had an uncommon , strong ability to identify, analyze, and solve problems by thoroughly reviewing conditions to reach independent decisions.
- Controlled the quality of the most crucial of all variables contributing to the realization of Agency goals and objectives.

2. Exceeds Successful

- Developed innovative approaches to further Agency mission objectives that exceed the "Fully Successful" level.
- Set organizational objectives that included potential cost efficiencies with documented consideration of impact on mobilization programs.
- Actively involved staff and/or users in developing review plans.
- Anticipated situations where assistance or change in direction was necessary.
- Used reviews to identify new approaches that will accomplish work more quickly and effectively.

3. Fully Successful

- Developed effective approaches for meeting Agency objectives.
- Determined that review/monitor procedures and guidelines are clearly and concisely stated.
- Use monitoring and evaluation procedures which ensured that project output is of good quality and on time.
- Implemented and maintained acceptable management (internal) controls.
- Prepared budgets that were realistic and attainable.
- Used cost control techniques effectively.
- Implemented and maintained management (internal) control systems as a part of daily management.
- Ensured timely correction of internal control weaknesses and appropriate actions for internal controls.
- Effectively resolved and implemented audit recommendations.
- Set long and short term program objectives that are realistic.
- Planned specific milestones to permit successful monitoring and control of program activities.

4. Minimally Satisfactory

- Milestones developed and reached are minimally related to accomplishing overall Agency objective or are not specific or measurable.
- Objectives, policies and procedures are either not fully developed or marginally adequate to accomplish work assigned to the organization.
- Evidence of inflexibility to change program procedures to comply with changes in policy, legislation, or customer needs.

5. Unsatisfactory

- Did not plan, forecast, set objectives or determine course of action for projects or subordinates.
- Goals did not achieve a significant productive impact. - Did not organize, assemble or arrange fiscal or personnel resources to meet goals.

APPENDIX A

Executive's Name:

OVERALL EXECUTIVE SELF APPRAISAL

APPENDIX A

Executive's Name:

OVERALL SUPERVISOR APPRAISAL

APPENDIX A

PERFORMANCE RECORD SHEET

Employee Name:	Element # 4
<u>Program Direction and Communication</u> Articulates and communicates Agency goals in terms of specific program outcomes. Maintains internal and external communications. Directs a management system for meeting organizational goals. Makes decisions to facilitate program accomplishments. Carries out work responsibilities.	
PERFORMANCE MEASURES	
1. <u>Exceptional</u> <ul style="list-style-type: none"> - Provided an intellectual atmosphere conducive to the stimulation and interchange of ideas by effectively communicating goals and interplay of ideas and concepts for the Agency. - Excelled in communications and interaction with all customers. - Displayed industriousness, conscientiousness and diligence in performing tasks. 	
2. <u>Exceeds Successful</u> <ul style="list-style-type: none"> - Consistently met or exceeded factors in the "Fully Successful" standard in a manner that results in demonstrated, significant achievements meeting Agency goals and accomplishing program results. - Made extra efforts to improve service and increase productivity and effectiveness of the Agency. - Resolved difficult or long-standing organizational problems, implemented innovative approaches and identified creative ideas for the Agency's Director to pursue. - Used a management system that is effective in early identification and resolution of problems. - Produced program results which demonstrated improvement in cost effectiveness, timeliness and quality. 	
3. <u>Fully Successful</u> <ul style="list-style-type: none"> - Articulated and communicated Agency goals, relating them to achievement of specific program outcomes. - Met organizational objectives on time and within budget allocations. - Ensured that office/division structure and resources facilitated program accomplishments. - Determined that accounting and administrative controls achieved cost efficiencies. - Made logical decisions that were understood and supported by those who carried them out. - Kept staff informed about significant matters in a timely manner. - Developed and maintained practical, good working relationships with other organizations. - Provided practical advice and guidance to others (including other organizations for developing new policies and programs). 	
4. <u>Minimally Satisfactory</u> <ul style="list-style-type: none"> - Communication of Agency goals is barely adequate to achieve outcomes. - Organization objectives were not accomplished in a timely manner or budget allocations were exceeded. - Had difficulty developing or encouraging good working relationships with staff and other organizations to provide accurate, timely advice to the Agency's leadership. - Communications with staff on significant matters is insufficient or untimely. 	
5. <u>Unsatisfactory</u> <ul style="list-style-type: none"> - Had grave difficulty effectively communicating management decisions to achieve undertakings and gain acceptance. - Unusually indecisive in handling difficult problems. - Failed to meet milestone and suspenses. - Lacked the sincerity to display realistic ambitions and objectives. 	

APPENDIX A

Executive's Name:

OVERALL EXECUTIVE SELF APPRAISAL

APPENDIX A

Executive's Name:

OVERALL SUPERVISOR APPRAISAL

PERFORMANCE RECORD SHEET

Employee Name:

Element # 5

Internal Customer Service

Establishes an organization and work environment which are conducive to the provisions of quality customer service. Sets standards for and provides leadership in customer service.

PERFORMANCE MEASURES**1. Exceptional**

- Clearly inspired the cooperation and confidence of others by demonstrating a strong, dynamic leadership.
- Repeatedly demonstrated a consistently distinguished performance for exceeding Agency standards for quality customer service.
- Displayed an uncommon, high degree of recognition, acceptance and prestige in dealings with internal customers.

2. Exceeds Successful

- In addition to consistently meeting the standard described at the "Fully Successful" level, identified methods to improve service or communication to external customers.
- Sought opportunities to represent the Agency positively and gain support for its mission.
- Assured that quality external service was a constant priority to meet the objectives of the organization.

3. Fully Successful

- Assured an organizational structure which was optimal for the provisions of quality customer service.
- Established an environment where employees had the resources to provide quality customer service.
- Set standards for provisions of consistently responsive and courteous service to all customers and evaluated employees by these standards
- Demonstrated by personal example a commitment to quality service.

4. Minimally Satisfactory

- Infrequently took an active role in establishing the organizational structure and obtaining resources necessary to provide quality service.
- Inconsistently monitored and evaluated standards established for customer service. Only occasionally set a personal example of a commitment to quality service.

5. Unsatisfactory

- Failed in effective human relations with customers.
- Could not sustain concentration while avoiding confrontations.
- Had no regard for interpersonal and customer satisfaction.

APPENDIX A

Executive's Name:

OVERALL EXECUTIVE SELF APPRAISAL

APPENDIX A

Executive's Name:
OVERALL SUPERVISOR APPRAISAL

APPENDIX A

PERFORMANCE RECORD SHEET

Employee Name:

Element # 6

External Customer Service

Establishes an organization and work environment which are conducive to the provisions of quality customer service. Sets standards for and provides leadership in customer service.

PERFORMANCE MEASURES

1. Exceptional

- Excelled in analyzing and adjusting work procedures for maximum efficiencies used toward external customer service.
- Recognized the important relationships between rewards, reinforcements and used results to produce quality customer service.
- Performed with unusual accuracy, thoroughness and effectiveness to present consistently outstanding customer service.

2. Exceeds Successful

- In addition to consistently meeting the standards described at the "Fully Successful" level, identified methods to improve service or communication to external customers.
- Sought opportunities to represent the Agency positively and gain support for its mission.
- Assured that quality external service was a constant priority to meet the objectives of the organization.

3. Fully Successful

- Assured an organizational structure which was optimal for the provisions of quality customer service.
- Established an environment where employees had the resources to provide quality customer service.
- Set standards for the provision of consistently responsive and courteous service to all external customers and evaluated employees by these standards
- Demonstrated by personal example a commitment to quality service.

4. Minimally Satisfactory

- Infrequently took an active role in establishing the organizational structure and obtaining resources necessary to provide quality service.
- Inconsistently monitored and evaluated standards established for customer service. Only occasionally set a personal example of a commitment to quality service.

5. Unsatisfactory

- Made no substantial contribution to the continued operation and growth of the Agency toward improving customer service.
- Did not display any willingness to discuss weakness and make improvements in the area of customer service.

APPENDIX A

Executive's Name:

OVERALL EXECUTIVE SELF APPRAISAL

APPENDIX A

Executive's Name:

OVERALL SUPERVISOR APPRAISAL

PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 920 B

SENIOR EXECUTIVE SERVICE MERIT STAFFING PROCEDURES

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PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 920 B

SENIOR EXECUTIVE SERVICE MERIT STAFFING PROCEDURES

I. PURPOSE

The purpose of this chapter is to establish Agency policy to provide the most effective method for selecting the best qualified individuals for career positions in the Senior Executive Service (SES) within the Selective Service System (SSS).

II. COVERAGE

This chapter on merit staffing provides for the competitive selection process leading to the initial appointment of an individual to the SES career service. The following SES staffing actions are exempt from the competitive selection process as prescribed in this chapter:

- SES non-career, limited term and limited emergency appointments;
- reinstatements of former SES members;
- reassignments within SSS SES membership;
- transfer of an SES member from another agency;
- movement of an SES member between SES pay levels; and
- details of SES members.

III. POLICY

As provided for in 5 U.S.C. 3131, it is the policy of SSS to appoint career executives to fill Senior Executive Service positions to the extent practicable, consistent with the effective and efficient implementation of Agency policies and responsibilities; to enable the Director to reassign senior executives to best accomplish the Agency's mission; to protect senior executives from arbitrary or capricious actions; and to ensure compliance with all applicable civil service laws, rules and regulations, including those related to equal employment opportunity, political activity, and conflicts of interest; and to maintain a merit personnel system free of prohibited personnel practices. It is also the policy of the Agency to conduct a systematic search for qualified individuals, including minorities and women, when filling an SES position.

IV. DEFINITIONS

A. CAREER APPOINTMENT

An appointment of permanent tenure under which an individual may only be removed from the SES position during the probationary period, for unsatisfactory performance, or in a properly conducted Reduction in Force. This appointment requires Office of Personnel Management (OPM) Qualifications Review Board approval of the selected individual's executive qualifications before placement in an SES career position.

B. NON-CAREER APPOINTMENT

An appointment under which the individual may be removed from an SES position at any time by direction of the Director and which is not subject to OPM approval of the individual's executive qualifications.

C. **PLACEMENT**

The filling of an SES position by any means, including initial appointment in SES, or the filling of an SES position by reassignment, or transfer within SES, or by reinstatement of a former SES member.

D. **LIMITED TERM APPOINTMENT**

A non-renewable appointment for a term of three years or less to an SES general position, the duties of which will expire at the end of the appointment.

E. **LIMITED EMERGENCY APPOINTMENT**

A non-renewable appointment for a term not to exceed 18 months to an SES general position established to meet a *bona fide*, unanticipated, urgent need.

F. **CAREER-RESERVED POSITION**

A position which may only be filled by a career appointee, or by the reassignment or transfer of a career SES member.

G. **GENERAL POSITION**

A position which may be filled by either a career or non-career appointee.

H. **MANDATORY QUALIFICATIONS STANDARDS**

Those standards of technical/professional and executive/managerial qualifications which are required for successful performance of the duties and responsibilities of the position.

I. **DESIRABLE QUALIFICATIONS**

Additional, specific, job qualifications which contribute to successful performance in a position.

J. EXECUTIVE RESOURCES BOARD (ERB)

A group of top-level management officials, designated by the Director, who are responsible for developing and administering the SSS Senior Executive Service, including the merit staffing process.

K. CANDIDATE REVIEW PANEL

An ad hoc panel convened to review applications for competitive SES vacancies. The panel is composed of two to five ERB members selected by the chairperson of the ERB for the purpose of reviewing applications and other materials filed by candidates for SES positions, to rate and, if necessary, rank these candidates and forward the names and documentation of the best qualified candidates to the Director, SSS, who is the Selecting Official.

V. MERIT STAFFING PRINCIPLES

The merit staffing process provides that:

- Mandatory qualifications standards will be used for reassignment and placement in SES. The standards are established by the ERB as being required for successful performance in the SES position;
- Candidates who meet the mandatory qualifications standards are considered basically eligible for selection for the SES, or for reassignment or transfer within SES or reinstatement to an SES position;
- Adequate differentiation among candidates must be made on the basis of the mandatory and desirable factors listed in the related qualifications standard;
- Fair and open competition occurs, and the requirements of applicable laws and regulations are met;

- Selection is made without discrimination for any non-merit reason including race, color, religion, sex, national origin, political affiliation, marital status, physical handicap, or age;
- Veterans preference is not a factor in filling SES positions; and
- The initial appointment of SES career appointees becomes final only after the individual serves a one-year probationary period as a career appointee.

VI. EXEMPTIONS FROM COMPETITIVE SELECTION PROCEDURES

The following personnel actions are not subject to the competitive selection procedures:

A. REASSIGNMENT OR TRANSFER OF CAREER SES MEMBER

The voluntary or involuntary reassignment or transfer of a career SES member may be made without competitive selection procedures if the SES member meets the established mandatory qualifications standards, and receives at least 15 days notice. However, a career SES member may not be involuntarily reassigned (1) within 120 days after an appointment of a new SSS Director, or (2) within 120 days after the appointment of a career appointee's immediate supervisor who is a non-career appointee.

B. REASSIGNMENT OF NON-CAREER SES MEMBERS

Non-career members may be reassigned at any time but only to an SES general position. They must meet the mandatory qualification requirements of the position.

C. DETAIL

1. A career SES member, or a non-SES employee may be detailed to any SES position for which he or she meets the mandatory qualifications for a period not to exceed 120 days.

2. The detail of a non-SES employee to an SES position must be approved by the Director.

D. REINSTATEMENT OF FORMER MEMBERS OF THE SES

A former career member of the SES may be reinstated in a SES position provided the former career SES member previously completed a one-year probationary period in the SES (or elected to enter the SES at the time it was formed in 1979) and he or she left the SES for reasons other than misconduct, neglect of duty, malfeasance, or less than fully successful executive performance. The SES reinstatement eligible must meet the mandatory qualifications for the SES position.

E. NON-CAREER SES APPOINTMENT

An individual may be given a non-career SES appointment by the Director, provided the appointment does not exceed the number allotted to SSS by the Office of Personnel Management for non-career appointments. The Director must certify to the Office of Personnel Management that the appointee is qualified for the position.

F. LIMITED EMERGENCY OF LIMITED TERM APPOINTMENT

A non-SES individual may be given a limited emergency, or limited term appointment to a general SES position if the appointee meets the qualifications standard of the position. A limited emergency or limited term appointee may not be appointed to, or continue to hold, a position under such an appointment if, within the preceding 489 months, the individual has served more than 36 months in the aggregate, under any combination of such limited types of appointment in any agency in the

government. Use of this authority must be approved in advance on a case-by-case basis by the Office of Personnel Management. If the individual proposed for this action is currently a career or career-conditional employee, retreat rights will be given to a position comparable to the one held immediately prior to the SES limited appointment.

G. APPOINTMENT OF CANDIDATES WHO HAVE SUCCESSFULLY COMPLETED AN OPM-APPROVED SES CANDIDATE DEVELOPMENT PROGRAM

An individual who has successfully completed an SES Candidate Development Program approved by OPM may be selected for career appointment to an SES position without the competitive selection process. The individual must meet the mandatory qualification for the position, and must successfully complete a one-year probationary period. However, the SES Candidate Development Program member must have entered the program through a competitive selection process.

H. MOVEMENT BETWEEN PAY LEVELS WITHIN SES

Movement from one pay level to another within SES is not considered a promotion and is not covered by the competitive selection processes of the SES Merit Staffing Plan.

VII. RESPONSIBILITIES

A. EXECUTIVE RESOURCES BOARD

The ERB is actively involved in and is held accountable by the Director for development and implementation of systems relating to the following facets of the SES Merit Staffing Process:

1. establishing qualifications standards;

2. recruiting SES candidates;
3. establishing selection systems for candidates;
4. handling inquiries from candidates for SES positions; and
5. documenting merit staffing actions.

The ERB may delegate to the Personnel Management Officer such activities as deemed necessary.

B. HEADS OF MAJOR ORGANIZATIONAL UNITS

Associate Directors and Heads of Offices are responsible for providing positive support to the SSS merit staffing plan. They are also responsible for anticipating personnel needs and changes on a long-range basis, and alerting the Personnel Officer as early as possible. They initiate requests for filling vacancies in sufficient time to allow for the development of proper qualifications standards which reflect valid requirements of a position.

C. SENIOR-LEVEL EMPLOYEES

Senior-level employees, GS-15, are responsible for keeping themselves aware of SES vacancies for which they might meet qualification requirements, and submitting the required forms and information if they are interested in being considered.

D. PERSONNEL OFFICER

The Personnel Officer is responsible for any functions delegated by the ERB. The Personnel Officer is also responsible for:

1. advising and assisting officials in carrying out their responsibilities under the merit staffing plan;

2. advising the ERB on the alternatives involved in filling a position through the merit staffing plan, or by use of an exception to the process;
3. advising Candidate Review Panels of the ERB and training participating senior officers in the techniques and procedures involved;
4. assuring that recommended selections meet legal and regulatory requirements, making final commitments after any needed OPM approvals, and arranging entrance on duty;
5. providing OPM Qualifications Review Board with necessary documentation for certification of a potential career SES appointee's executive qualifications, and acting as liaison between SSS and the OPM Assistant Director for Executive Personnel;
6. anticipating personnel changes and turnover that may occur in the executive workforce, and advising the ERB and the Director in developing internal potential candidates for eventual entry into the SES;
7. providing any necessary staff support to the ERB and to Candidate Review Panels.

VIII. SOURCES OF RECRUITMENT

A. REASSIGNMENT

A career or non-career member of the SES may be reassigned to fill a vacant SES position for which the individual meets the qualifications standards except that a non-career SES member can only be reassigned to

an SES general position, and not to an SES career reserved position. A limited emergency appointee may be reassigned to an SES general position established to meet a bona fide, unanticipated, urgent need, except that the appointee may not serve in one or more positions under such appointment in excess of 18 months. A limited term appointee may be reassigned to an SES general position the duties of which will expire at the end of 3 years or less, except that the appointee may not serve in one or more positions in the Agency under such appointment in excess of 3 years.

B. TRANSFER

A career or non-career member of the SES may be transferred, without use of competitive selection procedures, from another Federal agency to fill a vacant position in SSS for which the individual meets the qualification standard.

C. REINSTATEMENT

An individual with SES reinstatement rights may be selected, without use of competitive selection procedures, for any position in the SES for which the individual meets the qualifications standard. SES reinstatement rights are limited to career executives who have successfully completed a one-year probationary period in the SES, or who were initially converted to the SES (in 1979) without the requirement of serving a probationary period in the SES, and who have left the SES for reasons other than misconduct, neglect of duty, malfeasance, or less than fully successful performance. The same reinstatement rights also apply to a career SES member who is appointed by the President to any position outside the SES and leaves that position for reasons other than misconduct, neglect of

duty, or malfeasance, on the condition that the executive has applied to, and been referred by OPM within ninety (90) days after separation from the Presidential appointment. This provision applies only if the senior executive was initially converted to the SES or had completed an SES probationary period. Persons who do not have reinstatement eligibility acquired through employment in the SES must compete for SES vacancies through the competitive selection process. Normal reinstatement rights to the career civil service are not applicable to the SES.

D. SES CANDIDATE DEVELOPMENT PROGRAMS

An individual who has successfully completed an OPM-approved SES Candidate Development Program, and obtained the resulting OPM-certification of his or her executive qualifications, may be appointed to an SES position without further competition provided that initial competition for entrance into the Candidate Development Program was in accordance with OPM-approved competitive selection procedures and executive development requirement, and the individual meets the qualification standard for the SES position.

IX. COMPETITIVE SELECTION PROCEDURES

A. ANNOUNCEMENTS

1. Vacancy Announcements

SES vacancies are normally announced for a minimum of 30 days through published vacancy announcements. Information in the announcement must include: position title, type of appointment, location, description of duties, information about SES pay and

benefits, qualifications required (both mandatory and desirable), evaluation methods, probationary period requirement, area of recruitment, how to apply and how to request additional information, opening and closing dates, and an equal employment opportunity statement. Applicants should also be asked to provide supplemental information on how they believe they meet each of the six managerial qualification factors published by OPM. The Personnel Officer will establish procedures to assure, as much as practicable and within available resources, that all groups of qualified individuals within the area of recruitment are given the opportunity to learn of competitive SES vacancies. Management and ERB members are expected to use their professional knowledge and contacts to ensure wide distribution of the announcement. Announcements may be limited to current Federal employees. No other status limitation may be imposed. No geographic limitations may be imposed.

2. **Distribution of Announcements**

As soon as possible after the opening date of the announcement, the Personnel Officer will forward copies to Federal agencies and to the appropriate Office of Personnel Management SES agency officer to allow notification to the general public. The U.S. Employment Service Offices will also be provided with copies for distribution to persons outside the Federal service, unless competition is limited to current Federal employees.

B. DEVELOPMENT AND APPROVAL OF QUALIFICATIONS STANDARDS

Qualifications standards must be established for each SES position before the position is announced. When an existing position is substantially altered, or when a new position is established, new qualifications standards must be developed. While the basic responsibility for developing and approving the standards remains with the Director and through the Director to the ERB, the qualifications standards are developed initially by the pertinent official who will supervise the position. Members of the ERB, the Personnel Office and other management officials, as appropriate, may be involved in developing standards.

1. Qualifications for SES Positions

The standards must be practical, job related, applied to all candidates equally and impartially, and must test the relative capacity and fitness of the candidate for the position.

The standards must be specific enough to allow identification of qualified candidates and also enable qualitative distinctions to be made among the group of candidates.

The standards must be based on a job analysis which identifies the critical elements of the job in terms of duties; responsibilities, and performance expectations (essential factors); the desirable factors that are important to successful performance; and the skills, knowledge, abilities and other qualifications which would enable an individual to perform these duties and meet the responsibilities and performance expectations. Mandatory and desirable qualifications are identified for both executive/managerial requirements, and

professional/technical requirement and incorporated in the standard. The specification of these requirements, i.e., level of experience, will not be exclusively in terms of numbers of years, but must be clearly related to scope and depth of prior experience. The standards may not include any criteria prohibited by law or regulation, e.g., age, sex, race, color, religion, national origin, or political affiliation. The mandatory requirements of the qualification standard may not include a positive education requirement unless OPM-published qualification standard for that type position includes such a requirement.

The qualifications standards for each career reserved and general position will be the same for subsequent staffing actions regardless of the type of appointment authority used to fill the position, unless the position itself has undergone significant changes. Changes in qualifications standards require a review and recommendation to the Director by the ERB.

C. CANDIDATE REVIEW PANEL (CRP)

1. Evaluation of Candidates

The Personnel Officer or his or her designee(s) initially review all applications for experience indicating if mandatory qualifications standards have been met. All candidates meeting the mandatory qualifications requirements are referred to a Candidate Review Panel for further consideration. If there is any doubt that an applicant meets the mandatory requirements, that candidate will be

referred to the CRP. The Personnel Office notifies candidates who do not meet the mandatory requirements.

2. Review by Candidate Review Panel

- a. The Personnel Officer or his or her designee provides the panel with the following documents and information:
- A copy of the vacancy announcement and position description;
 - A list of qualified applicants to be considered for the position;
 - A SF-171, "Personnel Qualifications Statement", for each basically qualified applicant;
 - The mandatory and desirable qualification standards;
 - Evaluation criteria based on required skills, knowledge, and abilities;
 - Each applicant's self-appraisal of management skills memorandum prepared by the applicant (if required by the vacancy announcement) describing long-range career goals, and how they feel that they meet or exceed the mandatory qualifications requirements;
 - Appraisals of management skills from current and former supervisors, if furnished by the candidate, or otherwise made available;
 - Copy of the latest performance evaluation for applicant, if furnished by the candidate.

b. The Executive Resources Board or a Candidate Review Panel or 2 to 5 ERB members appointed by the ERB Chairman then meet to:

- Review the position description;
- Review the vacancy announcement;
- Review and discuss the relative importance of the various skills, knowledges, and abilities required to perform the duties of the position as outlined in the tentative rating schedule furnished by the Personnel Officer in his or her capacity as Executive Secretary to the ERB.
- Make such alterations in the point-values assigned on the rating schedule to the various different rating factors as they deem necessary. (Rating schedule must generally follow information in the vacancy announcement.)
- Agree on the maximum number of points to be allotted for each rating factor. (Note: Grand total maximum points to be assigned need not necessarily total 100; in fact, in the interest of truly reflecting the comparative value of rating factors and differentiating between candidates, it may be preferable that the total point value exceed 100).

c. The candidate review panel members normally rate together to insure consistency in the assignment of point values. If this is not possible and members will rate separately, a satisfactory alternative will be to let all raters first rate the same 3 to 5 candidates, then meet briefly to compare application of the

rating schedule and, particularly if scores vary widely, further discuss and refine the rating schedule.

- d. The ERB Executive Secretary maintains the Master Rating Sheet, reviews it for consistency, monitors the review process and if necessary, reconvenes the raters to resolve wide differences in application of the rating schedule by individual members.
- e. The Candidate Review Panel then reviews the scores of all candidates, attempts to find a "break-point" in scores which will reasonably differentiate between the "Best Qualified", and "Qualified" candidates. (Usually no more than 10 candidates should be considered "Best Qualified".)
- f. The Executive Secretary prepares a Selection Roster (this may be in brief memo form), transmitting in alphabetical order names and applications of those candidates found "Best Qualified" to the selecting official (the Director in most cases). All members of the Candidate Review Panel shall certify the accuracy of this roster, as does the Executive Secretary, who then submits it to the selecting official.
- g. All applications, evaluations, rating schedules, rating sheets for each candidate (each signed by the rater and dated), a copy of the vacancy announcement and information as to its distribution, position description and selection roster, copies of the Master Rating Sheet(s) showing any adjustments in scores and the final selection roster showing the candidate who was

selected must be retained by the Executive Secretary for a period of two years, or until the Office of Personnel Management performs an audit of the entire selection file and so certifies in writing, whichever occurs sooner.

- h. Retain the entire file for the time as required by the FPM as reconstruction of the action may be required by the Equal Employment Opportunity Commission, administrative authority, or a court, as a result of a complaint of discrimination. (Four years is not an unreasonable time to retain the file.)
- i. OPM approval of qualifications. The executive/managerial qualifications of a proposed career SES appointee must be approved by an OPM Qualifications Review Board (QRB) before an agency may appoint the individual. The documents supporting this recommendation include the SF-1390, "Executive Personnel Transaction Form", a copy of the qualifications rating form and position description, a SF-171 or a SF-161, "Executive Inventory Record", a listing of the sources of recruitment, and a brief written evaluation of the proposed appointee's background emphasizing the demonstrated managerial experience, participation in an OPM approved SES candidate program, or special or unique qualities which indicate a likelihood of executive success. Non-career appointments do not require OPM Qualifications Review Board approval.

X. APPLICANT INQUIRIES

Any candidate may request information concerning the procedures and operations of the competitive selection process. This request must be submitted in writing to the Personnel Officer. Upon request, the following information will be made available to candidates:

- Whether the candidate was found eligible on the basis of the minimum qualifications standards for the position;
- Whether the candidate was placed in the "Best Qualified" group, or in the "Qualified" group;
- Whether he or she was on the Selection Certificate, and the names of the candidates who were on the Selection Certificate;
- The name of the successful candidate; and
- Information regarding the nature of the procedures used in recruiting candidates for the particular position.

XI. REVIEW AND APPEALS PROCEDURES

A. REVIEW ON GROUNDS OF IMPROPER PROCEDURES

1. When a candidate believes that the procedures were not properly applied, the complainant shall first discuss the complaint with appropriate Personnel Office staff. If the complainant still has a complaint, he or she may submit a written request for review, through the Personnel Officer, to the ERB. This request must be filed within 15 calendar days of notification of the selection decision.
2. The request for review should briefly state the reason(s) for the request and the procedures which the candidate believes were not

properly followed in the evaluation process.

3. The ERB then reviews the request and the relevant material in the ERB file. The Executive Secretary of the ERB notifies the candidate of the results of the review. However, it is emphasized that failure to be selected from among a group of properly certified candidates is not a basis for a grievance or appeal.

B. **APPEAL ON GROUNDS OF DISCRIMINATION OR VIOLATION OF MERIT PRINCIPLES**

Complaints or appeals based on alleged discrimination because of race, color, religion, sex, or national origin, political affiliation, marital status, physical handicap, or age are resolved under the equal employment opportunity appeals procedures. Complaints or appeals to the Merit Systems Protection Board may be appropriate for alleged violation of merit principles.

There is no provision for appeal by candidates to OPM for specific evaluation action taken by the ERB or selection actions taken by the appointing official.

INSTRUCTIONS FOR EXECUTIVE RESOURCES BOARD MEMBERS**RATING PROCEDURE FOR CANDIDATES FOR SES POSITIONS
(INSTRUCTIONS FOR ERB MEMBERS)**

Under the provisions of (5 U.S.C. 3393 (b)), each agency's Executive Resources Board (ERB) is required to review the qualifications of each candidate for an SES position to be filled by a career appointee and make written recommendations to the appointing authority concerning such candidates. The procedure outlined below fulfills the requirements of the law and also regulations published by the Office of Personnel Management.

1. The ERB or a panel thereof should first meet together to:
 - a. Review the position description of the job;
 - b. Review the vacancy announcement;
 - c. Discuss the importance of the various skills, knowledges and abilities of the position as outlined in the rating schedule;
 - d. Make such alterations in the Rating Schedule as is needed. (Rating schedule must follow the information in the Vacancy Announcement);
 - e. Agree on the maximum number of points to be allowed each factor.
(Note: Grand total maximum points need not total 100; in fact it may be preferable that the total point value exceed 100.)
2. It is best that the ERB rating panel members rate together to insure consistency in the assignment of point values. If this is not possible, and members rate separately, a satisfactory alternative will be to let all raters rate the same 3 candidates, then meet briefly to compare application of the rating schedule; if scores vary widely, further discussion and perhaps refinement of the rating schedule may be necessary.

3. The ERB Executive Secretary maintains the Master Rating Sheet, reviews it for consistency, monitors the rating process and if necessary, reconvenes the raters to resolve wide differences in application of the rating schedule by individual raters.
4. The ERB rating panel then reviews the scores of all candidates, attempts to find a "break-point" in scores which will reasonably differentiate between the "Best Qualified" and "Qualified" candidates. (Usually no more than 10 candidates should be considered "Best Qualified", there is no minimum number of candidates prescribed.)
5. The Executive Secretary prepares the Selection Roster (this may even be in brief memo form) transmitting in alphabetical order names and applications of those candidates found "Best Qualified", to the selecting official (the Director in most cases). All members of the rating panel sign the Selection Roster, as does the Executive Secretary, who then submits it to the selecting official.
6. All rating schedules, rating sheets (each signed by the rater and dated), a copy of the Vacancy Announcement, position description and Selection Roster, copies of the Master Rating Sheets showing any adjustments in scores and the final selection roster showing the candidate who was selected must be retained by the Executive Secretary for a period of two years, or until the Office of Personnel Management perform an audit of the entire selection file and so certified in writing, whichever occurs sooner.
7. While not a requirement, it may be necessary to retain the entire file for a longer period in the event that reconstruction of the action may be required by EEOC or a court as a result of a complaint of discrimination. A request for an extension is made by the submission of a SF-115 to the National Archives and Records Service.

ATTACHMENT *CB*

SAMPLE

SES CANDIDATE RATING

Candidates _____

Rater: _____

Date: _____

	Maximum <u>Points</u>	Points <u>Credited</u>
I. Skills Knowledges, Proven Abilities:		
A. Mandatory		
1. Experience in legislative liaison	_____	_____
2. Knowledge of executive/legislative branches	_____	_____
3. Manage professional staff in liaison function	_____	_____
4. Setting objectives/using resources	_____	_____
5. Experience in working with high- level elected/appointed officials	_____	_____
6.	_____	_____
A. TOTAL MAXIMUM	_____	_____

B.. Desirable

1. Overall coordination/support/justi-
fication of an agency in relations
with the Congress

2. High-level briefings on legislation
and program matters

3. Manage an agency information
program dealing with State &
local impacts

4. Coordinating legislative program
with legal/budget/program agencies

5. Liaison with variety social service
agencies

6.

B. TOTAL MAXIMUM

C. Performance Appraisal

D. Related Training/Education (within 5 years)

E. Recognition/Awards (within 5 years)

GRAND TOTAL

MASTER RATING SHEET

ATTACHMENT C

ANN: _____ POSITION: _____

DATE: _____ PAGE: _____

[illegible]

**PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 920-C**

**SELECTIVE SERVICE SYSTEM
SENIOR EXECUTIVE SERVICE (SES) RECERTIFICATION PLAN**

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**PERSONNEL POLICIES AND PROCEDURES MANUAL
CHAPTER 920-C**

**SELECTIVE SERVICE SYSTEM
SENIOR EXECUTIVE SERVICE (SES) RECERTIFICATION PLAN**

1. AUTHORITY

Under Section 506 of the Ethics Reform Act of 1989 (Public Law 101-194, November 30, 1989) (5 U.S.C. 3393a), Senior Executive Service (SES) career appointees are subject to recertification by their agencies. [5 CFR 213, 317, 359, 842]

2. OBJECTIVE

SES recertification ensures that the performance of career appointees demonstrates the excellence needed to meet the goals of the Senior Executive Service.

3. RELATIONSHIP TO ANNUAL PERFORMANCE APPRAISAL PROCESS

The SES recertification process and the Agency annual performance appraisal process are complementary but separate. While the annual appraisal evaluates how well the executive has met the specific standards for his or her position for the year, the recertification process evaluates the executive's performance over a period of three years. At the highest levels of Government management occupied by SES members, it often is not possible to judge fully the performance of an individual in a time span of one year because the impact of an executive's activities may not appear until a later time.

4. COVERAGE

- a. SES career employees who have been continuously employed in the SES for 156 weeks preceding the end of the recertification period are subject to recertification. This period includes any service as an SES noncareer or limited appointee. It also includes service in any agency.
- b. One or more breaks in SES service of a total of 6 months or less do not interrupt the 156 weeks of continuous employment. A break is defined as a time period during which the SES career employee was not being officially counted against the Agency's SES position allocation.

- c. SES career appointees who are on extended assignment or absence from their positions at the time of recertification are subject to recertification, generally, as long as they are officially occupying a SES position at the end of the recertification period as a career appointee and meet the 156 week length of service requirement.
- d. This recertification plan does not apply to SES noncareer or limited appointees. Nor does it apply to former SES career appointees who took Presidential appointments at Executive Level V or higher with Senate confirmation and elected to retain SES benefits.

5. RECERTIFICATION PERIOD

- a. The initial recertification period shall end on June 30, 1991, coincident with the end of the annual performance appraisal period. Subsequent recertification shall take place every third calendar year thereafter. June 30 shall serve as the date for calculating the 156 week employment period.
- b. If an individual is recertified in another agency and then transfers to this Agency during the calendar year, the individual is not subject to recertification in this Agency until the end of the next recertification cycle.
- c. If an individual transfers from another agency during the calendar year and no recertification decision was made in that agency, a recertification decision must be made in this Agency. All necessary relevant information on the executive's performance during the recertification period, in addition to performance ratings completed, will be requested of the executive's previous agency.

6. STANDARD FOR RECERTIFICATION

- a. The career appointee must perform at the level of excellence expected of a senior executive. Excellence means that the executive has demonstrated over the recertification period that he or she has achieved excellence in:

- (1) planning for, substantially advancing, and attaining Presidential, Agency, or organizational goals and objectives that required a sustained superior effort;
 - (2) taking specific initiatives that advanced a major policy and/or significantly improved delivery of services;
 - (3) taking the necessary actions to ensure the achievement of a quality product in a timely manner; and,
 - (4) making significant technical, scientific, or professional contributions.
- b. Also, if applicable to the responsibilities of the senior executive, excellence is demonstrated by:
- (1) achieving substantial savings in the execution of programs under his or her direction;
 - (2) maintaining the high quality and effectiveness of programs under his or her direction with reduced resources; and/or,
 - (3) providing strong leadership to enhance the development, utilization and achievements of subordinate personnel, including achievement of equal employment opportunity goals.

7. RECERTIFICATION RECOMMENDATION AND DETERMINATION PROCEDURES

a. RECOMMENDATION BY THE SUPERVISING OFFICIAL

- (1) The supervising official of the career appointee shall submit to the Performance Review Board (PRB), a recommendation, on the form provided at Appendix A, whether the career appointee's performance justifies recertification as a senior executive. The recommendation shall be based on the executive's overall performance during the recertification period in relation to the standard for recertification in paragraph 6., including consideration of such factors as the following:

- (a) The appointee's SES performance ratings for the three preceding years. SES career appointees do not necessarily have to have received annual performance ratings above Fully Successful or On Target to be recertified, nor do Fully Successful or On Target ratings guarantee recertification.
 - (b) Any award or other recognition received by the appointee. These include awards from both inside the Government (e.g. Presidential rank awards and superior accomplishment incentive awards) and outside the Government. Awards recognizing performance over a period of years that are received during the recertification period even though some of the achievements recognized may have occurred before the recertification period are included. Also included are awards received after the recertification period, but before the recertification determination, if the award recognizes performance that took place during the recertification period.
 - (c) Any developmental activities of the appointee. These include professional, educational, or self-developmental activities. Supervising officials should consider funding availability and the stage of the executive's career, that is, long term executive versus newly appointed executive, when evaluating the extent to which an executive participates in developmental activities.
 - (d) Other relevant qualitative factors. These include significant accomplishments on task forces or boards outside of program responsibilities; reputation in field of expertise as reflected by speaking engagements and publications; or SES pay increases when they are specifically related to performance.
- (2) The factors identified above should be used as a measure of whether the standard for recertification has been met in relation to the written performance requirements for the career appointee's senior executive position. Supervising officials may not make a recommendation solely on the basis of performance ratings.

- (3) The official must have supervised the executive for at least 120 days immediately before making a recertification determination. If the official has supervised the executive for less than one year he/she must consult with the previous supervisor(s) of the executive for the one year period and obtain, if possible, written comments from these supervisors. This provision will not apply if it would result in deferring this recertification decision beyond the calendar year in which it is required by statute or regulation.
- (4) Prior to making a recommendation, supervising officials may request a written statement of accomplishments from the executive in relation to the standard for recertification.
- (5) Recommendation for recertification, conditional recertification or no recertification shall include a narrative justification. The narrative should specify those aspects of the standard for recertification that have or have not been met. Supervising officials should contact their servicing personnel office for technical advice and assistance prior to preparing such a narrative.
- (6) The appointee shall be given a copy of the recommendation provided on the form at Appendix A. He/she shall be requested to acknowledge receipt of the form, and advised of the right to submit to the PRB, a statement of accomplishments and other documentation giving evidence of the quality of the appointee's performance in relation to the standards set forth in paragraph 6. The statement of accomplishments provided to the PRB may be the same as that provided in paragraph (4) above, or amended at the executive's discretion.
- (7) The recertification form and any appropriate written documentation, (i.e. the executive's statement of accomplishments, if provided to the supervising official and narrative justification) shall be forwarded to the PRB. These documents should be reviewed by the PRB at the same time as the executive's annual appraisal is reviewed.

b. **RECOMMENDATION BY THE PRB**

- (1) More than one-half of the members of the Board shall consist of SES career appointees. Board members may not take part in any deliberations or actions regarding recommendations on their own recertification.
- (2) After receiving the recommendation of the supervising official and any information provided by the career appointee under a. (4) of this section, the Board shall submit to the Director a recommendation, on the form provided in Appendix A., whether the appointee should be recertified, conditionally recertified, or not recertified.
- (3) If the PRB needs more information to make its recommendation, it may request additional documentation from the supervising official or request that he/she appear before the Board.
- (4) If the Board proposes to recommend conditional recertification or no recertification, the appointee shall:
 - (a) be notified in writing, specifying the Board's rationale, in sufficient detail, for its proposed recommendation. If the PRB chooses to use the same rationale as provided by the supervising official, it need only indicate its concurrence on the supervising official's justification;
 - (b) have the opportunity to appear before the Board prior to the forwarding of the recommendation to the Director. The appointee shall be given five calendar days advance notice of the proposed scheduled appearance. If the appointee requests, he/she may be given a reasonable amount of official time to prepare for his or her appearance.
- (5) If the Board recommends recertification, it may also recommend that the appointee's rate of basic pay be increased to a higher ES pay rate. If the Board recommends conditional recertification, it may also recommend that the appointee's rate of basic pay be reduced to the next lower ES pay rate. These recommendations must be documented on the recertification determination form.

- (6) In addition to its recommendation, the Board shall provide the Director with the recommendation from the supervising official and any information received from the appointee under a. (4) or b. (4) of this section.
- (7) A copy of the recertification determination form reflecting the Board's final recommendation shall be forwarded to the appointee.

c. DETERMINATION BY THE DIRECTOR

- (1) The Director shall determine whether the appointee shall be recertified, conditionally recertified, or not recertified.
- (2) If the Director determines that the appointee's performance warrants recertification, he/she will record the decision on the recertification determination form along with the appropriate annotation if a positive pay rate change is decided upon.
- (3) Written reasons must be provided for any recommendation or decision to certify, conditionally recertify or to not recertify a career appointee. The reasons must be specific enough so that the executive will be able to understand why the action was taken and adequate to support a case if the executive appeals a removal action. The Director may concur without providing additional reasons if he or she agrees with those reasons and deems the reasons provided by the recommending official(s) sufficient.
- (4) If a decision to conditionally recertify or not recertify is being considered and the executive has not had an opportunity for a personal appearance because all previous deliberations have considered only a recommendation to recertify, the Director may provide the executive an opportunity to make a presentation in writing and/or in person to the Director before taking further action.
- (5) Determinations will not be based on a prescribed distribution of how many or what percentage of executives will be recertified, conditionally recertified, or not recertified.

8. **RECERTIFICATION DETERMINATIONS**

a. **DECISION TO RECERTIFY**

- (1) If the Director determines that the appointee's performance warrants recertification, the appointee shall continue in the SES.
- (2) The appointee's rate of basic pay may not be reduced at the time of recertification.
- (3) If the decision is made to increase the appointee's rate of basic pay, the statutory restriction that a SES member's pay level may be changed only once in a 12 month period remains applicable.

b. **DECISION TO CONDITIONALLY RECERTIFY**

- (1) If the Director determines that the appointee's performance warrants conditional recertification, the appointee:
 - (a) Shall be notified in writing enclosing the completed recertification determination form and necessary supporting documentation.
 - (b) Shall remain a career appointee in the SES.
 - (c) Shall be subject to continuing close review of the appointee's performance by the supervising official in coordination with the Executive Resources Board (ERB).
 - (d) Shall be subject to performance improvement plan developed by the supervising official, subject to the approval of the ERB, and provided to the appointee within 30 calendar days of his/her notification of conditional recertification. The performance improvement plan should include a description of the deficiencies in the executive's performance, what constitutes satisfactory completion of the plan, a statement of the support and assistance to be provided by the supervising official, and any training initiatives planned. It shall conform with performance standards the executive is required to attain during the period. Periodic progress review discussions shall be held and documented at intervals of 120 calendar days.

- (e) May, if the Director so determines, be reduced to the next lower ES pay rate, once 12 months have elapsed since the appointee's last pay adjustment.
 - (f) May not appeal to the Merit Systems Protection Board (MSPB), as the law does not provide such a right.
- (2) At the end of the 12 months following conditional recertification, the Agency shall make a new recertification determination. The process for making the new determination shall be the same as for the initial recertification decision, including review and recommendation by a PRB.
- (a) The individual shall be retained in the SES if recertified and shall have any reduction in ES pay level made under paragraph 8. b. (1) (e), restored as of the beginning of the first pay period following recertification when 12 months have elapsed since the pay reduction.
 - (b) The individual shall be removed from the SES if not recertified at the end of the 12 month period following the conditional recertification.

c. DECISION NOT TO RECERTIFY

- (1) If the Director determines that the appointee's performance does not warrant recertification or conditional recertification, the appointee shall be removed from the SES in accordance with applicable law and regulation. The regulation is found in 5 CFR 359.
- (2) The appointee shall be notified in writing before the effective date of the action. If the appointee has completed the SES probationary period, or was not required to serve a probationary period, the notice shall be at least 30 calendar days before the effective date of the removal from the SES.
- (3) The notice shall include the completed recertification determination form and advise the appointee of:
 - (a) the basis for the action;

- (b) the appointee's placement rights provided under 5 CFR 359.701-705, and the position to which the appointee will be assigned shall be identified either in the advance notice or in a supplementary notice issued no later than ten calendar days before the effective date of the action;
 - (c) the appointee's right to appeal to the MSPB, including the time limit for appeal, the office to which an appeal should be sent, and that there is no provision for a stay in the removal action pending the appeal process;
 - (d) the effective date of the removal from the SES; and,
 - (e) when applicable, the appointee's eligibility for immediate discontinued service retirement, in lieu of placement rights, with no annuity reduction based on age (CSRS) and eligibility for an annuity supplement regardless of age (FERS).
- (4) Removal from the SES as a result of not being recertified may not be made effective within 120 days after:
- (a) the appointment of a new Agency head; or,
 - (b) The appointment in the Agency of the career appointee's most immediate supervisor who is a noncareer appointee and has the authority to remove the career appointee.

9. RECERTIFICATION PLAN CONSULTATION, APPROVAL, AND DISTRIBUTION

- a. In accordance with regulations, this Agency developed the recertification procedures described in this plan in consultation with its SES career appointees.
- b. This plan is not effective until the Office of Personnel Management (OPM) approves it.
- c. Copies of the approved plan, and any subsequent changes, will be provided to all Agency SES appointees.

10. TRAINING

Before the beginning of each recertification determination process, executives who supervise career SES appointees, and PRB members, will be given training on the objectives and procedures of the recertification process. Also, during this same time period, the Agency will inform SES career appointees about the Agency's recertification plan provisions.

11. RECORDS

Recertification documentation shall be maintained in the appointee's Employee Performance Folder (EPF) for five years from the date of the recertification determination. (If an individual is conditionally recertified, documentation for the final recertification determination shall be maintained for five years from the date of the conditional recertification.) EPF's shall be maintained in accordance with provisions in the SES Performance Appraisal Plan. Information contained in the EPF is protected under the provisions of the Privacy Act.

12. REPORTS AND EVALUATION

The Agency will report to the OPM such information, and take such corrective action as OPM may direct as a result of its oversight and evaluation responsibilities.

SELECTIVE SERVICE SYSTEM
SENIOR EXECUTIVE SERVICE RECERTIFICATION CY _____

Name of Senior Executive:

Position Title and Organization:

Recertification Period

Current Pay Rate: ES- _____

From:

To:

Standard for Recertification

1. The career appointee must perform at the level of excellence expected of a senior executive. Excellence means that the executive has demonstrated over the recertification period that he or she has achieved excellence in:
 - a. planning for, substantially advancing, and attaining Presidential, Agency, or organizational goals and objectives that required a sustained superior effort;
 - b. taking specific initiatives that advanced a major policy and/or significantly improved delivery of services;
 - c. taking the necessary actions to ensure the achievement of a quality product in a timely manner; and,
 - d. making significant technical, scientific, or professional contributions.
2. Also, if applicable to the responsibilities of the senior executive, excellence is demonstrated by:
 - a. achieving substantial savings in the execution of programs under his or her direction;
 - b. maintaining the high quality and effectiveness of programs under his or her direction with reduced resources; and,
 - c. providing strong leadership to enhance the development, utilization and achievements of subordinate personnel, including achievement of equal employment opportunity goals.

SSS FORM 920 (SEP 91)

PPPM

920-C-A1

SEP 1991

FOR OPTIONAL USE (to be provided by the Human Resources Division):

Annual SES Performance Ratings

19 _____ Performance Rating Level

19 _____ Performance Rating Level

19 _____ Performance Rating Level

Awards and Other Recognition

Developmental Activities

Other Relevant Qualitative Factors

The following recommendations/decision are based on an assessment of the executive's overall performance during the recertification period in relation to the above Standard for Recertification stipulated in law, regulation, and Agency written procedures.

Supervising Official's Recommendation:

Recertify _____ Conditionally Recertify _____ Not Recertify _____

Recommend pay rate adjustment to ES- _____

No pay rate adjustment recommended _____

In making these recommendations, I have given due consideration to the executive's overall performance during the recertification period, including performance ratings, awards and other recognition, developmental activities, and other relevant qualitative factors specified in the Agency SES recertification plan. I have attached the required written justification specifying the standard for recertification met or not met and other relevant supporting documentation.

Supervising Official's Signature and Title Date

=====

Senior Executive's Acknowledgement of Supervising Official's Recommendation:

____ I have received a copy of my supervising official's recommendation and wish to submit a statement of accomplishments to the Performance Review Board.

____ I have received a copy of my supervising official's recommendation and DO NOT wish to submit a statement of accomplishments to the Performance Review Board.

Senior Executive's Signature Date

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Performance Review Board (PRB) Recommendation:

Recertify_____ Conditionally Recertify_____ Not Recertify_____

Recommend pay rate adjustment to ES-_____

No pay rate adjustment recommended _____

In making these recommendations, we have given due consideration to the executive's overall performance during the recertification period, including performance ratings, awards and other recognition, developmental activities, other relevant qualitative factors specified in the Agency SES recertification plan, and the supervising official's recommendation. If the above recommendation is to conditionally recertify or not recertify, we have provided the executive the rationale for our proposed recommendation and an opportunity to appear before the PRB and/or provide it a written statement of accomplishments. We have attached the required written justification and other relevant supporting documentation.

APPEARANCE BEFORE THE PRB IF RECOMMENDATION TO CONDITIONALLY OR NOT RECERTIFY:

Yes_____ Date_____ Declined appearance (documentation attached)_____

PRB Chairperson's Signature_____

Date_____

=====

Director's Decision:

Recertify_____ Conditionally Recertify_____ Not Recertify_____

Pay rate adjustment to ES-_____

No pay rate adjustment _____

In making these decisions, I have given due consideration to the executive's overall performance during the recertification period, including performance ratings, awards and other recognition, developmental activities, other relevant qualitative factors specified in the Agency SES recertification plan, and the supervising official's and PRB's recommendation. If the above decision is to conditionally recertify or not recertify, the executive has been provided the rationale for such action and an opportunity to appear before me or the PRB and/or provide a written statement of accomplishments. I have attached the required written justification and other relevant supporting documentation.

Director's Signature_____

Date_____

SSS FORM 920 (SEP 91)

PPPM

920-C-A4

SEP 1991